

Electronically Filed  
06/27/2016

*Heather L. Smith*  
CLERK OF THE COURT

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5 SteveWSanson@cs.com  
6 CONTESTANT

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 STEVE W. SANSON )  
10 Contestant, )  
11 vs. )  
12 PAUL ANDERSON )  
13 Defendant, )  
14 )  
15 Together with the Clark County Registrar )  
16 Of Voters, JOE P. GLORIA and the )  
17 Clark County Clerk, LYNN GOYA, )  
18 Necessary Defendants. )

CASE NO.

*A16739151-C*

DEPT. NO.

*VI*

19 **STATEMENT OF CONTEST**

20 COMES NOW, Contestant, STEVE W. SANSON, and hereby files this STATEMENT  
21 OF CONTEST pursuant to NRS 293.407, and alleges and pleads the following facts:

- 22  
23 1. My name is STEVE W. SANSON and I am a registered voter of the political  
24 subdivision in which the primary election in Nevada Assembly District 13 was held  
25 on June 14, 2016. I was also a Republican Primary Candidate for Assembly District  
26 13.

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CLERK OF THE COURT

- 1           2. The name of the Defendant is PAUL ANDERSON. The Defendant was declared  
2           elected and the winner of the Nevada Assembly District 13 Republican Primary by  
3           the County Commission canvass.
- 4           3. The official canvass and result of the Assembly District 13 Republican Primary in  
5           question was announced and declared by the Clark County Commission on June 22,  
6           2016.
- 7           4. The "Necessary Defendants," the Clark County Clerk and the Clark County Registrar  
8           of Voters are also named in this Statement of Contest because the Clark County Clerk  
9           maintains the voted ballots, rejected ballots, spoiled ballots, challenge lists, records  
10          printed on paper of voted ballots collected pursuant NRS 293B.400, and stubs of the  
11          ballots used, enclosed and sealed in the vaults of the County Clerk. *See* NRS  
12          293.391(1). The Registrar of Voters reported the canvass to the County Commission  
13          and is responsible for the Voting Systems used by the voters.
- 14          5. The grounds for this Contest are as follows: Pursuant to NRS 293.410(f), there was a  
15          possible and probable malfunction in the voting or counting devices used to record  
16          and tabulate the votes.
- 17          6. CONTESTANT believes that an inspection of the sealed, raw ballot and election  
18          machine records are unlikely to match the processed electronic summary reports for  
19          the Assembly District 13 Republican Primary. *See* Affidavit, attached as Exhibit  
20          "A."
- 21          7. The initial proof supporting this Statement of Contest is included in subsequent  
22          paragraphs and the attached Exhibits.
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- 1 8. Due to the extremely short time allowed to gather data and analyze the election  
2 results, additional evidence and testimony will be presented at the hearing on this  
3 matter.
- 4 9. On June 22, 2016, the Registrar of Voters for Clark County, Nevada reported to the  
5 County Commission, in his official capacity, that he made significant changes to the  
6 Voting Systems used for the 2016 Primary Contests in Clark County, Nevada.
- 7  
8 10. The "Changes" made to the Voting Systems included the following: (1) an "upgrade"  
9 to the "outdated software;" (2) use of a new 'early voting browser;" and (3) use of a  
10 new "mail-in vote system" which he declared was "much easier for the voters to use  
11 and to tabulate the vote." See Link posted from the County Commission website, of  
12 June 22, 2016, Registrar of Voters report to the County Commission.
- 13  
14 11. The "Changes" made to the Voting Systems and described by the Registrar of Voters  
15 for Clark County were not previously disclosed to the CONTESTANT and  
16 CONTESTANT had no knowledge of the significant "Changes" to the Voting  
17 Systems until after the election and canvass.
- 18  
19 12. Further, pursuant to 42 U.S.C § 15481 *et seq.*, the CONTESTANT has the right to  
20 inspect and manually audit the sealed, raw vote. See United States Code, Chapter  
9 42, Section 15481, attached as Exhibit "B."
- 22  
23 13. For the above-stated reasons and the attached Exhibits, CONTESTANT believes that  
24 the electronically processed results reported for the 2016 Republican Primary in  
25 Assembly District 13 cannot be trusted to accurately match the reported sealed  
26 election records and actual votes cast.
- 27  
28

1 14. CONTESTANT believes there was a possible and probable malfunction in the voting  
2 or counting devices used to record and tabulate the votes in Assembly District 13,  
3 pursuant to NRS 293.410(f).

4 15. CONTESTANT alleges that by jointly reviewing the sealed records and the Voting  
5 Systems, that it can be conclusively determined that a malfunctioning or some yet  
6 unknown cause occurred to the voting hardware, software, business processes and  
7 electronic reporting systems used by the State and/or Clark County to accept, create,  
8 record and remove votes.  
9

10 16. CONTESTANT's legitimate and demonstrable concerns about the Voting System  
11 integrity can only be resolved if the sealed, physical voting source records and data  
12 can be matched with the electronic summaries.  
13

14 17. NRS 293.410(f) and NRS 293.391 allow for the inspection of the physical voting  
15 source data and Defendant and Necessary Defendants should have no objections to  
16 this validation process.  
17

18 18. Based upon NRS 293.410, CONTESTANT believes this request is not a difficult or  
19 unreasonable action to clear up and verify any doubts of the integrity of the canvass  
20 and the entire computer Voting System and procedures. All future candidates will  
9 benefit from this simple validation process of the Voting Systems.  
22

23 19. This Statement of Contest is allowed pursuant to NRS 293.410. It is clear, pursuant  
24 to this Nevada law, that the CONTESTANT has a right to a hearing and to an Order  
25 directing a complete manual and physical review of the actual, recorded and tabulated  
26 votes and the Voting Systems made in the Republican Primary for Assembly District  
27 13.  
28

1 20. Specifically, CONTESTANT desires and needs to review the total combination of  
2 mechanical, electromechanical or electronic equipment, including the software,  
3 firmware and documentation required to program, control and support the equipment  
4 that is used to define ballots, to cast and count votes, to report or display election  
5 results and to maintain and produce any audit trail information, as well as the  
6 practices and associated documentation used to identify system components and  
7 versions of such component, to test the system during its development and  
8 maintenance, to maintain records of system errors and defects, to determine specific  
9 system changes to be made to a system after the initial qualification of the system and  
10 to make available any materials to the voter (such as notices, forms or paper ballots)  
11 (collectively referred to as "Voting System(s)").  
12

13  
14 21. In order to clear up the doubts and concerns about the integrity of the Voting System,  
15 neither the Clark County Clerk nor the Clark County Registrar of Voters has any  
16 reasonable basis to object to a complete review of the Voting Systems as described in  
17 paragraph 20.  
18

19 22. The Clark County Election Department's stated Mission, Vision and Goals include,  
20 among other things: (1) Provide transparent operations that maximize voter  
9 confidence in the integrity and accountability of our election system; and (2) Striving  
22 to be the nation's leader in providing our community with election services that are  
23 transparent, efficient, and on the cutting edge of technology. See Clark County  
24 Election Department Mission-Vision-Goals statement on its website, attached as  
25 Exhibit "C."  
26  
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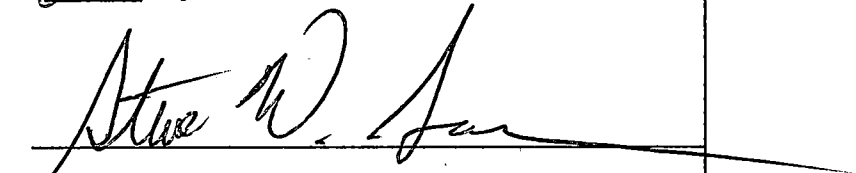
1 23. The integrity of the Voting System and the results are the foundation for fairness,  
2 justice and the trust of the citizens who exercise their constitutional right to  
3 participate in the democratic process and vote. Verifying the actual votes cast with  
4 the reported results and canvass is imperative for a constitutional republic and the  
5 trust of the citizens given to the government to oversee elections.  
6

7 24. Should any evidence or information be uncovered pursuant to the review of the  
8 Voting Systems, CONTESTANT reserves the right to amend this Statement of  
9 Contest.  
10

11 WHEREFORE, the CONTESTANT prays that this Court will hear evidence, testimony  
12 and receive documents in to evidence in this Contest to determine the true and accurate votes that  
13 were lawfully cast; and

14 CONTESTANT FURTHER seeks a Court Order directing the Clark County Clerk and  
15 the Clark County Registrar of Voters and the CONTESTANT and DEFENDANT, as provided  
16 under NRS 293.391(5), to jointly and physically inspect the Voting Systems records, and the  
17 sealed election records of the 2016 Clark County Republican Party Primary for District 13, as  
18 described in paragraph 20, to ensure the sealed voting records and /or Voting Systems were  
19 secure and accurately matched the reported electronic summaries and the official canvass.  
20

21 RESPECTFULLY SUBMITTED this 27 day of June, 2016.  
22

23  
24   
25  
26 CONTESTANT

27 STEVE W. SANSON  
28

1 VERIFICATION OF STEVE W. SANSON

2 STATE OF NEVADA )  
3 ) ss:  
4 COUNTY OF CLARK )

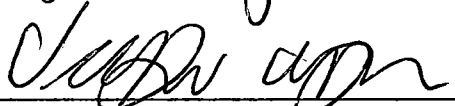
5  
6 STEVE W. SANSON, being duly sworn, under oath and the penalties of perjury, deposes  
7 and says: I am the Contestant in the above entitled action, and am competent to testify as the  
8 contents of the attached pleading of my own knowledge; that I have read the foregoing  
9 STATEMENT OF CONTEST and any Exhibits and know the contents thereof; that the same are  
10 true to the best of my own knowledge, save and except to those matters stated upon information  
11 and belief, and, as to those matters, I believe the same to be true.

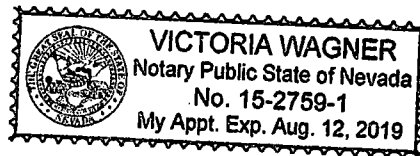
12  
13 FURTHER AFFIANT SAYETH NAUGHT.

14  
15   
16 STEVE W. SANSON

17  
18 SUBSCRIBED and SWORN to before me

19 this 07 day of June 2016.

20  
21   
22 NOTARY PUBLIC in and for said  
23 County and State



# **EXHIBIT A**



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**AFFIDAVIT OF STEVE W. SANSON**

**FOR THE STATEMENT OF CONTEST**

STATE OF NEVADA                    )  
  ) ss.  
COUNTY OF CLARK                 )

1. I, STEVE W SANSON, being duly sworn, under oath and the penalties of perjury, deposes and says:
2. I am the CONTESTANT in the STATEMENT OF CONTEST, filed in Clark County, Nevada. I am providing this Affidavit in support of the Statement.
3. My campaign began doing Polling on May 10th thru May 27th to get a consensus on how residents in My District would vote. Polling results placed my candidacy in a dead heat race with the incumbent Paul Anderson.

On each day of early voting, May 28 thru June 10<sup>th</sup>, we conducted Independent Exit Polling. This polling's showed some days a dead heat race, some days the incumbent was up by 5 points, some days my candidacy was in the lead. The race was close.

To my disbelief I was floored when the early voting results came out showing the incumbent with a 25% lead over my candidacy.

**EXHIBIT A**

- 1 4. On June 22, 2016, the Registrar of Voters for Clark County, Nevada reported to the  
2 County, in his official capacity, that he made significant changes to the Voting Systems  
3 used for the 2016 Primary Contests in Clark County, Nevada. The "Changes" made to the  
4 Voting Systems and described by the Registrar of Voters for Clark County were not  
5 previously disclosed to the CONTESTANT and CONTESTANT had no knowledge of  
6 the significant "Changes" to the Voting Systems until after the election and canvass.  
7  
8  
9 5. It is my belief that the reported changes created errors with the voting machines and or  
10 the voting system as a whole and did not tabulate or count the votes accurately.  
11  
12

13 FURTHER YOUR AFFIANT SAYETH NAUGHT.

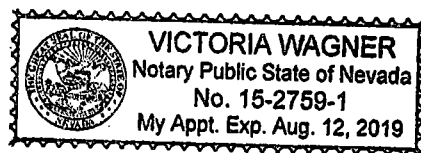
14 Dated this 27 day of June, 2016.

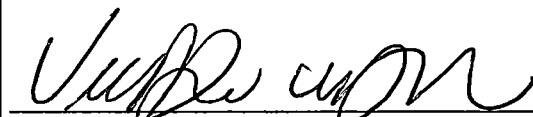
15  
16   
17

18 STEVE W. SANSON  
19 CONESTANT

20  
21 SUBSCRIBED AND SWORN to before me

22 this 27 day of June, 2016



25   
26

27 NOTARY PUBLIC in and for said  
28 County and State

EXHIBIT A

**EXHIBIT B**

**TITLE 42 - THE PUBLIC HEALTH AND WELFARE**  
**CHAPTER 146 - ELECTION ADMINISTRATION IMPROVEMENT**  
**SUBCHAPTER III - UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY**  
**AND ADMINISTRATION REQUIREMENTS**  
**Part A - Requirements**

**§ 15481. Voting systems standards**

**(a) Requirements**

Each voting system used in an election for Federal office shall meet the following requirements:

**(1) In general**

**(A)** Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall—

**(i)** permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;

**(ii)** provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

**(iii)** if the voter selects votes for more than one candidate for a single office—

**(I)** notify the voter that the voter has selected more than one candidate for a single office on the ballot;

**(II)** notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

**(III)** provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

**(B)** A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by—

**(i)** establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

**(ii)** providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

**(C)** The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.

**(2) Audit capacity**

**(A) In general**

The voting system shall produce a record with an audit capacity for such system.

**(B) Manual audit capacity**

**(i)** The voting system shall produce a permanent paper record with a manual audit capacity for such system.

**(ii)** The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

**(iii)** The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.

**(3) Accessibility for individuals with disabilities**

**EXHIBIT B**

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpriint.html>).*

The voting system shall—

- (A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;
- (B) satisfy the requirement of subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and
- (C) if purchased with funds made available under subchapter II of this chapter on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph).

**(4) Alternative language accessibility**

The voting system shall provide alternative language accessibility pursuant to the requirements of section 1973aa-1a of this title.

**(5) Error rates**

The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission which are in effect on October 29, 2002.

**(6) Uniform definition of what constitutes a vote**

Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.

**(b) Voting system defined**

In this section, the term “voting system” means—

(1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—

- (A) to define ballots;
- (B) to cast and count votes;
- (C) to report or display election results; and
- (D) to maintain and produce any audit trail information; and

(2) the practices and associated documentation used—

- (A) to identify system components and versions of such components;
- (B) to test the system during its development and maintenance;
- (C) to maintain records of system errors and defects;
- (D) to determine specific system changes to be made to a system after the initial qualification of the system; and
- (E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

**(c) Construction**

**(1) In general**

Nothing in this section shall be construed to prohibit a State or jurisdiction which used a particular type of voting system in the elections for Federal office held in November 2000 from using the same type of system after the effective date of this section, so long as the system meets or is modified to meet the requirements of this section.

**(2) Protection of paper ballot voting systems**

EXHIBIT B

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

For purposes of subsection (a)(1)(A)(i) of this section, the term “verify” may not be defined in a manner that makes it impossible for a paper ballot voting system to meet the requirements of such subsection or to be modified to meet such requirements.

**(d) Effective date**

Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.

(Pub. L. 107–252, title III, § 301, Oct. 29, 2002, 116 Stat. 1704.)

EXHIBIT B

**EXHIBIT C**



## **CLARK COUNTY ELECTION DEPARTMENT**

### **Mission - Vision - Goals**

#### **Mission**

Our mission is to be a dynamic, progressive, and responsive organization offering the citizens of Clark County multifaceted election services that:

- Facilitate effective access to the electoral process by all eligible voters to exercise their voting rights;
- Extend the highest level of customer service to all citizens; and
- Provide transparent operations that maximize voter confidence in the integrity and accountability of our election system.

#### **Vision**

Striving to be the nation's leader in providing our community with election services that are transparent, efficient, and on the cutting edge of technology.

#### **Goals**

- Develop a diversified, professional, motivated, and knowledgeable staff highly capable of handling change in our election service requirements and in the organization.
- Optimize the use of technology to maximize efficiency, minimize potential for error, increase the security of our systems, and address the future needs of the voting community.
- Create more opportunities for eligible citizens to register to vote and cast their ballots at a place and time that is convenient for them.
- Build, strengthen, and expand outreach programs to create community networks that will participate in supporting new programs, promoting our current services, recruiting workers, and motivating electors to exercise their voting rights.