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April 27, 2012

Ross Miller
Nevada Secretary of State
202 North Carson Street
Carson City, NV 89701

SENT VIA EMAIL & "SNAIL"-MAIL

Dear Secretary Miller,

I am writing on behalf of a client to request guidance/ruling on an election-related issue regarding a potential recall election directed at Nevada State Sen. Michael Roberson of State Senate District 5.

It is my understanding, and please correct me if I'm wrong, that a recall effort requires the collection of valid signatures on a recall petition in an amount of "not less than twenty-five percent (25%) of the number who actually voted" in Senate District 5 in the General Election in 2010.

Due to redistricting SD5 has changed dramatically, especially since it was a dual district in 2010 but is now a stand-alone district in 2012. Questions:

Is my client required to collect the signatures of 25% of the registered voters who actually voted in the "old" district before redistricting, or must the 25% threshold come from the "new" district? Or do they need to collect the 25% threshold from the old district but who now must live in the new district?

If so, that, as best as we can figure, would mean a signature requirement of approximately 36% of registered voters currently living in the new district, which would seem to be at odds with the requirements outlined in the Nevada Constitution and by NRS.

According to the Clark County Registrar of Voters the turnout in the 2010 General Election in Senate District 5 was 79,355 voters. That should mean my clients are required to collect 19,839 eligible signatures.

That 19,839 correlates to 16.87% of the Active registered votes at the close of registration for the 2010 General Election in the "old" Senate District 5. For the current Senate District 20 that 19,839 figure correlates to 38.12% of the Active registered voters.

In the current Senate District 20 there are 37,053 Active registered voters who voted in 2010. A compelling argument can be made that the required amount of signatures should be computed using this number, which would mean my client would be required to collect 7,411 signatures.

So exactly how many signatures are required today to qualify a recall election for Sen. Roberson?

Additionally, if my client is required to collect the 19,839 signatures, may they collect signatures from registered voters who were registered in the "old" Senate District 5 and who voted in 2010 but no longer live in either the old district or the new district? Or are they required to collect signatures only from people who live in the new district and who voted in 2010? Or are they required to collect signatures from registered voters who live in what was the old district and is now in the new district and who voted in 2010?

Who, exactly, is allowed to sign such a recall petition?

You prompt attention and response to this matter would be greatly appreciated.

Sincerely yours,



Chuck Muth