



**OFFICE OF THE  
SECRETARY OF STATE**

March 12, 2019

Lisa Mayo  
1930 Village Center Circle  
Las Vegas, NV 89134  
[mayoderiso@gmail.com](mailto:mayoderiso@gmail.com)

**Via U.S. Mail & Email**

**Re: Alleged Violation of Nevada Revised Statutes; NRS 293C.200  
File No. C19-08 SOS**

Dear Ms. Mayo:

This office is in receipt of the above-captioned complaint, dated March 6, 2019. The complaint alleges that Las Vegas City Council candidate Dave Marlon does not actually reside at 3001 Merritt Avenue in Las Vegas, as sworn under penalty of perjury on the Declaration of Candidacy he filed with the Las Vegas City Clerk and in violation of NRS 293C.200.<sup>1</sup> In your complaint, you ask the Secretary of State to determine that Mr. Marlon is ineligible as a candidate for Las Vegas City Council Ward 1 and is disqualified from office. You also ask the Secretary of State to comply with the provisions of NRS 293.184(2).<sup>2</sup>

NRS 293C.186, a copy of which is enclosed with this letter, sets forth a process whereby any voter in Nevada may file a written challenge of a city election candidate on the grounds that the candidate fails to meet any of the qualifications required for the office pursuant to Nevada election laws. A written challenge must be: (1) filed with the city clerk; (2) in the form of an affidavit; and (3) filed no later than 5 days after the last day the candidate may withdraw his or her candidacy. For the 2019 Las Vegas municipal election cycle, the last day for a candidate to withdraw candidacy was February 5, 2019. Accordingly, the deadline to file a written challenge pursuant to NRS 293C.186 was February 11, 2019 (an additional day was added to the deadline because it fell on a Sunday).

The remedies you seek are only available through the written challenge process outlined in NRS 293C.186 or through a private civil action brought against a candidate in a court of competent

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<sup>1</sup> Your complaint references NRS 293.1755 as the statute that establishes residency requirements for candidates; however, the residency requirements statute for candidates for city elections is NRS 293C.200. Both statutes are substantially similar.

<sup>2</sup> The provisions of NRS 293.184 do not apply to city election candidates. The corresponding statute in the city elections chapter of NRS is 293C.1865. Both statutes are substantially similar.

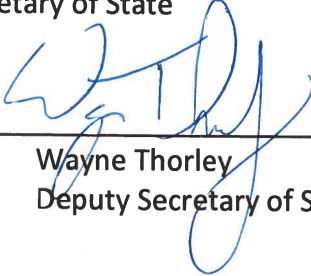
jurisdiction. The complaint you submitted to the Secretary of State's office does not meet the requirements for a written challenge under NRS 293C.186. This leaves a private civil action as your only legal option to impose the remedies you seek under NRS 293C.1865. The Secretary of State has no authority to disqualify a candidate from taking office based solely on evidence provided in a complaint or gathered in an investigation. An evidentiary hearing before a judge in which both sides have the opportunity to provide evidence, call witnesses, and refute information is required before the remedies found in NRS 293C.1865 can be imposed. This evidentiary hearing can be effectuated only via the written challenge process found in NRS 293C.186 or through private civil legal action.

Because your complaint does not meet the requirements of a written challenge under NRS 293C.186, the Secretary of State's office will not take any action regarding your complaint. If you wish to pursue a private civil action, you are encouraged to consult with a licensed Nevada attorney who has experience with election law matters.

If you have any questions regarding this letter and the Secretary of State's determination in this matter, please contact the undersigned at (775) 684-5705 or [nvelect@sos.nv.gov](mailto:nvelect@sos.nv.gov).

Respectfully,

Barbara K. Cegavske  
Secretary of State

By:   
Wayne Thorley  
Deputy Secretary of State for Elections

Enclosure

**NRS 293C.186 Written challenges concerning qualifications of candidates; enforcement in preelection actions.**

1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 days after the last day the person may withdraw his or her candidacy pursuant to [NRS 293C.195](#), an elector may file with the city clerk a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State. Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and court costs of the person who is being challenged.
2. A challenge filed pursuant to subsection 1 must:
  - (a) Indicate each qualification the person fails to meet;
  - (b) Have attached all documentation and evidence supporting the challenge; and
  - (c) Be in the form of an affidavit, signed by the elector under penalty of perjury.
3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall immediately transmit the challenge to the city attorney.
4. If the city attorney determines that probable cause exists to support the challenge, the city attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.
5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, or if the person fails to appear at the hearing, the person is subject to the provisions of [NRS 293.2045](#).
6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and court costs of the person who was challenged.