CRAIG A. MUELLER, ESQ.
Nevada Bar No. 4703
MUELLER & ASSOCIATES, INC.
808 S. 7th Street
Las Vegas, NV 89101
Telephone: (702) 382-1200
Facsimile: (702) 637-4817
Email: electronicservice@craigmuellerlaw.com
Attorney for Contestant Joey Gilbert

FIRST JUDICIAL DISTRICT COURT

CARSON CITY, NEVADA

JOEY GILBERT, an individual, Plaintiffs, vs. STEVE SISOLAK, in his official capacity as Governor of Nevada; BARBARA CEGAVSKE, in her official capacity as Secretary of State; and JOSEPH GLORIA in his official capacity as Clark County Registrar of Voters, JAMES B. GIBSON, in his official capacity as Chairman of the CLARK COUNTY BOARD OF COUNTY COMMISSIONERS, and DEANNA SPIKULA in her official capacity as Washoe County Registrar of Voters and VAUGHN HARTUNG in his official capacity as Chair of the WASHOE BOARD OF COUNTY COMMISSIONERS, and JOSEPH LOMBARDO, putative Republican candidate for Governor of Nevada, and DOES 1-10 and ROES 1-10, Defendants	Case No.: Dept No.: **STATEMENT OF CONTEST OF THE JUNE 14, 2020, PRIMARY ELECTION PURSUANT TO NRS §293.407** **HEARING DATE REQUESTED WITHIN FIVE (5) TO FOURTEEN (14) DAYS. NRS §293.413**

COMES NOW, Contestant, Joey Gilbert, by and through his attorney CRAIG MUELLER, ESQ. of MUELLER & ASSOCIATES, INC., and hereby files his written statement of election contest, pursuant to NRS §293.407.

This Statement of Contest is made and based on the following Memorandum of Points and Authorities, and any documents and exhibits which may be attached hereto, and any oral argument this court may allow at time of hearing.

DATED this 15th day of July, 2022.

MUELLER & ASSOCIATES, INC.

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CRAIG A. MUELLER, ESQ.,
Nevada Bar No. 4703
808 S. 7th Street
Las Vegas, Nevada 89101
Attorney for Contestant, Joey Gilbert

I.

SUBJECT MATTER JURISDICTION

1. Pursuant to NRS §293.407, Contestant Joey Gilbert hereby contests the election of

Defendant Joseph Lombardo to the office of Republican Nominee for the gubernatorial

election. The court possesses proper jurisdiction of this dispute over the winner of the

primary election for the office of Republican Nominee for Governor of the State of

Nevada.

NRS §293.410 Statement of contest must not be dismissed for deficiencies of form; grounds for contest.

1. A statement of contest shall not be dismissed by any court for want of form if the grounds of contest are alleged with sufficient certainty to inform the defendant of the charges the defendant is required to meet.

The instant Contest is presented in the proper form and the grounds of Contest are alleged

with sufficient certainty to inform the defendant of the charges the defendant is required

to meet.

NRS §293.413   Time for filing statement of contest; precedence of election contest; referral to special master.

1. The statement of contest provided for in NRS 293.407 shall be filed with the clerk of the district court no later than 5 days after a recount is completed, and no later than 14 days after the election if no recount is demanded.

Recount in Storey County was completed on or about July 11, 2022. This Contest is

timely filed.

2. Mr. Gilbert was a candidate in the primary election, held on June 14, 2022, for the Republican Nominee for the General Election for Governor of the State of Nevada to be held November 8, 2022. Defendant Joseph Lombardo was declared the winner of the Primary Election and is now the putative Republican Nominee for the General Election for Governor of Nevada.

3. The unofficial declaration of the result of the Election and the body or board which canvassed the returns thereof in Clark County occurred on July 1, 2022. The returns of Storey County were canvassed, and the unofficial declaration of the result occurred on July 11, 2022.

II.

PARTIES

4. Contestant realleges all preceding paragraphs as if fully set forth herein.

5. Plaintiff, Joey Gilbert is a registered voter who resides in Washoe County, Nevada. He has standing to bring this action pursuant to NRS 293.407(2).

6. The First Judicial District Court has jurisdiction in this matter pursuant to NRS 293.407(2), which states, "[e]xcept where the contest involves the *general election* for the office of governor...a candidate...who wishes to contest an election...must...file with the clerk of the district court a written statement of contest..." The Primary Election for the gubernatorial candidate is a statewide election and it is impractical to bring the same contest in each of the Counties in Nevada.

7. Defendant, Steve Sisolak is the Governor of Nevada and its chief executive officer. He approved Barbara Cegavske's purchase of the vote counting equipment utilized in the 2022 Nevada Primary Election.

8. Defendant, Barbara Cegavske is the Secretary of State of Nevada who authorized the purchase of the subject vote counting equipment (VCE) utilized in the 2022 Nevada Primary Election and is responsible for overseeing the execution of repairs or software patches and otherwise abiding by federal regulations governing the use of the subject equipment. She caused the "Rules and Regulations for the Conduct of Primary and General Elections Promulgated by the Secretary of State." She also oversees the county election departments and certifies the results of elections.

9. Defendant, Joseph Gloria is the Registrar of Voters in Clark County, Nevada and Deanna Spikula are the Registrars of Voters in Washoe County, responsible, inter alia, for managing the respective County Elections Departments and the execution and management of elections in Clark County and Washoe County as well as implementing the mandates of Barbara Cegavske, Secretary of State of Nevada regarding the VCE.

10. James B. Gibson, Chairman of the Clark County Board of County Commissioners and Vaughn Hartung, Chair of the Washoe Board of County Commissioners are responsible for oversight and management of the Elections Departments in their respective counties.

11. Joseph Lombardo is the putative Republican candidate for Governor in the November 2022 General Election.

III.

OVERVIEW

12. The right to vote includes not just the right to cast a *legal* ballot, but also the right to have it *fairly* counted. Article 2, Sec. 1A, (10), (11) of the Constitution of the State of Nevada as ratified by the voters of the state assures us of this right:

> Sec. 1A. Rights of voters. Each voter who is a qualified elector under this Constitution and is registered to vote in accordance with Section 6 of this Article and the laws enacted by the Legislature pursuant thereto has the right:

MUELLER & ASSOCIATES, INC.
505 S. 7th Street, Las Vegas, Nevada 89101
Telephone: (702) 382-1200 Facsimile: (702) 637-4817

1. To receive and cast a ballot that:

* * *

(b) Accurately records the voter's preference in the selection of candidates.

* * *

10. To a uniform, statewide standard for counting and recounting all votes accurately as provided by law.

11. To have complaints about elections and election contests resolved fairly, accurately and efficiently as provided by law.

13. In this pending Contest, the results of the 2022 Primary Election for the Republican candidate for Governor erroneously indicate that Defendant, Joseph Lombardo garnered the most votes amongst the Republican candidates for the office. Based on a geometric, mathematical analysis of the votes as *counted and announced* by the Counties in Nevada, Contestant, Joey Gilbert disputes this alleged result.

14. In the election contest before this Honorable Court, the Contestant for the Republican nomination for Governor of the State of Nevada, Joey Gilbert, (hereinafter variously, "Contestant," "Joey", or "Mr. Gilbert"), an individual duly registered to vote in Washoe County, Nevada alleges not a political question, but rather a mathematical issue.

15. Mr. Gilbert accepts the votes as counted. However, he will prove that the result as announced is a *mathematical impossibility*. When the votes as counted and announced, are statistically corrected, Mr. Gilbert will demonstrate with irrefutable geometric finality that he handily won the primary election for Republican gubernatorial nominee in the June 14, 2022, Primary Election in Nevada.

IV.

CONTESTANT SETS FORTH SUFFICIENT GROUNDS FOR STATEMENT OF CONTEST AS PROVIDED IN NRS 293.410

16. Contestant realleges all preceding paragraphs as if fully set forth herein.

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17. This Contest is based upon NRS §293.410 sub. 2. As presented more fully, *infra*, Contestant alleges that the votes as counted and as announced produce a mathematical and geometrically impossible result. Therefore, on information and belief, that the Election Boards made errors sufficient to change the result of the election as to any person who has been declared elected. NRS §293.410 (2) (d).

18. Contestant alleges, that the ability to generate a geometric and mathematically impossible outcome by reason of the VCE used in the 2022 Nevada Primary Election is sufficient to raise reasonable doubt as to the outcome of the Election. NRS §293.410 (2) (f).

NRS §293.410   Statement of contest must not be dismissed for deficiencies of form; grounds for contest.

1. A statement of contest shall not be dismissed by any court for want of form if the grounds of contest are alleged with sufficient certainty to inform the defendant of the charges the defendant is required to meet.
2. An election may be contested upon any of the following grounds:
    (a) That the election board or any member thereof was guilty of malfeasance.
    (b) That a person who has been declared elected to an office was not at the time of election eligible to that office.
    (c) That:
        (1) Illegal or improper votes were cast and counted;
        (2) Legal and proper votes were not counted; or
        (3) A combination of the circumstances described in subparagraphs (1) and (2) occurred, in an amount that is equal to or greater than the margin between the contestant and the defendant, or otherwise in an amount sufficient to raise reasonable doubt as to the outcome of the election.
    (d) That the election board, in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected.
    (e) That the defendant or any person acting, either directly or indirectly, on behalf of the defendant has given, or offered to give, to any person anything of value for the purpose of manipulating or altering the outcome of the election.
    (f) *That there was a malfunction of any voting device or electronic tabulator, counting device or computer in a manner sufficient to raise reasonable doubt as to the outcome of the election.*   (Emphasis added.)

V.

DEFENDANTS HAVE FAILED IN THEIR DUTY
TO CAUSE AN ACCURATE REPORTING OF THE
2022 PRIMARY ELECTION IN NEVADA

19. Contestant realleges all preceding paragraphs as if fully set forth herein.

20. Defendants, and each of them had a legal duty to the Contestant to cause the accurate reporting of the result of the election results in the statewide Nevada 2022 Primary Election. Defendants, and each of them, breached that duty by failing to provide a mathematical and geometrically correct result of the votes as *counted* and as demonstrated herein.

21. Contestant can prove with an irrefutable mathematical certainty that the actual vote result as counted was miscalculated, is a geometric, mathematical impossibility and that Joey Gilbert, in fact, won his party's nomination for Governor.

VI.
THE ANNOUNCED 2022 PRIMARY ELECTION RESULTS ARE
MATHEMATICALLY, GEOMETRICALLY IMPOSSIBLE

22. Contestant realleges all preceding paragraphs as if fully set forth herein.

23. The Election results as counted and announced are mathematically incorrect.

24. A mathematical analysis can determine the difference between a fair and an unfair election and where the unfair election is an election for which the results are geometrically infeasible. Contestant, Joey Gilbert will demonstrate that the vote data reporting results need to be corrected and how it needs to be corrected.

25. In the attached Clark County, 2022, Governor Primary Precinct Analysis ("Precinct Analysis"), we see the effect of the defective vote count on all 2022 Nevada Gubernatorial candidates. The corrected results are *glaring: Joey Gilbert prevails dramatically in the Republican race over Joseph Lombardo by more than 50,000 votes.*

See, Exhibit "A", "CLARK COUNTY, 2022, GOVERNOR PRIMARY PRECINCT ANALYSIS," by Edward Solomon, dated July 13, 2022.

VII.

TO DETERMINE THE CORRECT VOTE RESULTS, CONSIDER FIRST THE AGGREGATE PERCENTAGE --A CONCEPT THAT RELATES TWO THINGS

26. Contestant realleges all preceding paragraphs as if fully set forth herein.

27. Nevada elections provide for three modes of voting: Early Voting, Mail-in Voting and Election Day Voting; in the Governor's Race, Nevada provided a total of three significant candidates, two Republicans and one Democrat. By force of law, Republicans cannot vote in Democrat primaries, nor can Democrats vote in Republican Primaries; in mathematics we would say the set of ballots belonging to Republicans, and the set of ballots belonging to Democrats, are *Disjoint Sets*, that is, they do not share any ballots in common.

28. Let us consider only the two Republicans, Gilbert and Lombardo. Each candidate has an Early Vote (hereinafter, "EV"), a Mail-in Vote (hereinafter, "MiV"), and an Election Day Vote (hereinafter, "EDV") total in each precinct. In a fair election, we expect a strong linear correlation between Gilbert's Election Day, Mail-in and Early Vote percentages across the precincts. That is, whatever Gilbert's Election Day percentage is at a particular precinct, we expect both Gilbert's Mail-in percentage and Early Vote percentage to be **roughly** the same, not exactly, since that would imply causation…but **roughly**, which implies a strong correlation, which would be consistent with Clark County's Historical Election Results in all years prior to 2020, both in the Primaries and the General Elections.

29. However, this is not the case in Nevada's 2022 Republican Gubernatorial Primary. There is absolutely no correlation between Gilbert's Election Day, Early, and Mail-in

Percentages across the precincts. Although this observation is not proof of wrongdoing, this *irregularity* was probable cause to investigate the election results further.

30. This investigation revealed a mathematically-illegal geometric formula that governed the proportions between the Early, Mail-in and Election Day ballots across the precincts

31. In a fair election, if we know a candidate's Election Day percentage, x, and a candidate's Mail-in percentage, y, and the percentage of ballots cast that were Election Day ballots, z, then we can solve for that candidate's aggregate percentage share of the combined election day and mail-in vote. The equation that resolves the aggregate percentage is a simple weighted average formula. Let w be the candidate's aggregate percentage, then: $w = zx + (1-z)y = (x+py)/(1+p)$, where p is the proportion of Mail-in to Election Day Ballots cast in the precinct. Either formula remains true whether or not an election is fair or unfair. This law is universal to any four sets of data that share no elements in common, such as the ballot totals of two candidates with two modes of voting.

32. However, if there is an illegal formula that allows us to solve for w, with only

- knowledge of x and y, but without z, that is, any formula that allows us to solve for the candidate's aggregate percentage share of the combined election day and mail-in ballots,

- knowing only the candidate's election day percentage, and

- the candidate's mail-in percentage, and

- without any knowledge of the proportion of Mail-in to Election Day Ballots, and

- this formula fits all precincts in the County without any variation to such formula,

then, by mathematical definition, this formula allows us to solve the candidate's

aggregate percentage share of the ballots in each precinct with no knowledge of the

proportion of Mail-in to Election Day Votes, a *geometric impossibility* violating the *Laws*

Which Govern the Proportions of Elements Between Four Pairwise Disjoint Sets, all of

which are geometrically derived.

VIII.

PAIRWISE DISJOINT SETS

33. Pairwise Disjoint Sets are defined in mathematics as any collection of sets, such that all

pairings of any two sets from the collection of sets share no elements (ballots) in

common.

34. For instance, Gilbert's Election Day, Lombardo's Election Day, Gilbert's Mail-in and

Lombardo's Mail-in ballots are an example of four pairwise disjoint sets, because a

registered voter may cast their ballot once, and only once, in accordance with Nevada

State Law. Thus, State Law renders each candidate's Early, Mail-in and Election Day

ballots *mathematically disjoint*.

35. All of the laws that govern the proportions between four disjoint sets are as follow.

- o Let **A** be a set containing *a* objects.

- o Let **B** be a set containing *b* objects.

- o Let **C** be a set containing *c* objects;

- o Let **D** be a set containing *d* objects.

- o Let $x = a/(a+b)$; let $y = c/(c+d)$; let $w = (1-y) = d/(c+d)$

- o Let $\alpha = (a+c)/(a+c+b+d)$; $\xi = (b+d)/(a+c)$

  - ▪ $\alpha = 1/(\xi+1)$; $\xi = (1-\alpha)/(\alpha)$

- o Let $\lambda = (a+d)/(a+d+c+b)$; $\Gamma = (c+b)/(a+d)$

- $\lambda = 1/(\Gamma+1)$; $\Gamma = (1-\lambda /(\lambda)$

○ Let $\Omega = (a+b)/(a+b+c+d)$; $\zeta = (c+d)/(a+b)$

- $\Omega = 1/(\zeta+1)$; $\zeta = (1-\Omega)/(\Omega)$

From which follow the Twenty Laws, which demand that three of the above proportions be known to resolve either two of the remaining proportions:

○ Then $x = \alpha+\zeta(\alpha-y) = (\alpha-(1-\Omega)y)/\Omega$

- $x = \lambda +\zeta(\lambda-w) = (\lambda-(1-\Omega)w)/\Omega$

- $x = (y(\lambda+\alpha) - \alpha)/(\lambda+2y-\alpha-1)$

- $x = (1/2)((\zeta+1)(\alpha+\lambda)-\zeta)$

○ Then $y = \alpha+(1/\zeta)(\alpha-x) = (\alpha-\Omega x)/(1-\Omega)$

- $w = \lambda +(1/\zeta)(\lambda-x) = (\lambda-\Omega x)/(1-\Omega)$

- $y = (x(\lambda-\alpha-1)+\alpha)/(\lambda+\alpha-2x)$

- $w = (1/2\zeta)((\zeta+1)(\lambda-\alpha)+\zeta)$

○ Then $\alpha = (x+\zeta y)/(\zeta+1) = \Omega x+(1-\Omega)y$

- $\alpha = (2x+\zeta)/(\zeta+1) - \lambda$

- $\alpha = (\zeta(1-2w)+\lambda(\zeta+1))/(\zeta+1) = \lambda+(\zeta(1-2w))/(\zeta+1)$

- $\alpha = (\lambda(y-x)-x(2y-1))/(1-y-x)$

○ Then $\lambda = (x+\zeta w)/(\zeta+1) = \Omega x+(1-\Omega)w$

- $\lambda = (2x+\zeta)/(\zeta+1) - \alpha$

- $\lambda = (\alpha(1-(x+y))+x(2y-1))/(y-x) = (\alpha w+x(2y-\alpha-1))/(y-x)$

- $\lambda = (\zeta(2w+\alpha-1)+\alpha)/(\zeta+1)$

○ Then $\zeta = (x-\alpha)/(\alpha-y) = (1-\Omega)/\Omega$; $\Omega = (y-\alpha)/(y-x) = 1/(\zeta+1)$

- $\zeta = (2x-(\alpha+\lambda))/(\alpha+\lambda-1)$

- $\zeta = (x-\lambda)/(\lambda-w) = (1-\Omega)/\Omega$; $\Omega = (w-\lambda)/(w-x) = 1/(\zeta+1)$

- $\zeta = (\lambda-\alpha)/(2w+\alpha-\lambda-1)$

From which follow the Forty Isometries:

- o Let $g = a/(a+d)$; let $h = c/(c+b)$; let $t = (1-h) = b/(c+b)$, then the proportions: $x,y,w,\lambda,\Omega,\zeta$ can be exchanged for $g,h,t,\Omega,\lambda,\Gamma$ respectively, yielding the first score of the Forty Isometries.

- o Let $m = a/(a+c)$; let $n = b/(b+d)$; let $q = (1-n) = d/(b+d)$, then the proportions: $x,y,w,\alpha,\Omega,\zeta$ can be exchanged for m,n,q,Ω,α,ξ respectively, yielding the second score of the Forty Isometries.

36. After an illegal geometric formula has been detected to alter the election results (that is, any formula that allows one to resolve any proportion on the left-hand side of the above twenty equations, or any of the Forty Isometries, without any three of the remaining proportions), a remedy is applied to restore the election results in manner that would most reflect what the results would have been without geometric interference.

IX.

RESTORATION

37. Contestant realleges all preceding paragraphs as if fully set forth herein.

38. The remedy imports the **statistical trends** that are expected in a **fair** election, that is, the Early, Mail-in and Election Percentages of a candidate should be linearly correlated and roughly equal, that, is the election day, early and mail-in percentages, when plotted for a candidate, across the precincts, should fall along the diagonal of a cube. That is, when the precincts are plotted in 3D space, the x-axis being the election day *percentage*, the y-axis being the mail-in *percentage*, the z-axis being the early *percentage*, of a particular candidate against any other candidate in the same race, should form an elliptical cloud (a blimp shape), whose length (major axis) runs along the straight line $x=y=z$.

39. In the instance of Clark County's Primary Elections, the Republican Gubernatorial election cannot be restored until the Sheriff's Primary has first been restored. This is because the illegal geometric formula that was invoked to alter the *proportions of ballots cast* between the Sheriff Candidates, also cemented the proportion of Election Day to Mail-in to Early Ballots cast in each precinct, to which all other races, down the entire ballot, had to be conformed.

40. Thus, one cannot restore any election in the 2022 Primaries, unless they first restore the Sheriff's Primary, to obtain the original proportion of Election Day to Mail-in to Early Ballots.

41. Since the illicit geometric formula used to alter the proportions of the Sheriff's Primary, contained Hyt's combined Early and Election Day Vote, as the first and natural input, we know that the true ratio of Early to Election Day Votes is therefore preserved in the ratio of Hyt's Early to Election Day Votes.

42. In a fair election, we expect that the proportion of Early Votes to Mail-in Votes to Election Day Votes, at any particular precinct, will be roughly the same for all candidates, in all races. Since Hyt's Election Day and Early Totals are preserved, we uniformly apply this ratio against the combined sum of election day and early votes in each precinct, to all candidates, in all races.

43. We then use a rotation matrix to restore the relationship of sheriff candidate Robert's Election Day Percentage, Mail-in Percentage, and Early Percentage, against Hyt, to the diagonal of the cube, $x=y=z$, whilst retaining the magnitude of the original vector from the origin to the coordinate of each precinct in this x, y, z space.

44. We also know that Robert's Mail-in Vote, was true and authentic in its proportion to Hyt's Election Day and Early Vote, as Robert's Mail-in Vote was the third and final

natural input in the illegal geometric equation used to alter the ballot ratios between Hyt, Roberts and McMahill. By compelling Robert's Early and Election Day turnout of registered voters to follow the concave down parabolic trend of his authentic mail-in vote, against the total percentage of all registered voters who cast a ballot in the Sheriff's Primary, we were able to obtain the correct proportion of Mail-in to combined Early and Election Day ballots.

45. Furthermore, that the proportion of Robert's Early to Election Day ballots also then matched Hyt's proportion of Early to Election Day ballots, ensuring us that the restoration of Robert's Early and Election Days totals were undoubtedly accurately conformed to what they would have been without geometric interference. Thereby, we ascertain the correct proportion of Mail-in to the combined Early and Election Day Vote of all candidates, in all races, in each precinct.

46. The ratio of Early to Mail-in to Election Day Ballots was then applied to McMahill in the Sheriff's race and to Gilbert, Sisolak and Lombardo in the Governor's race. From here, the Governor's race can be restored without any more assistance from the Sheriff's race.

47. We make regular the election day, mail-in and early vote percentages, between Gilbert, sisolak and Lombardo, such that each candidate's election day, mail-in and early percentage vote percentage, against any other candidate, or pair of candidates, is roughly equal, across the precincts, via geometric translation and rotation of the abnormally distributed percentages back to the diagonal of a cube, $x=y=z$.

48. It was *originally* reported in the 578 precincts that were analyzed (precincts that had less than 100 total ballots cast were excluded from the analysis) that Gilbert, Sisolak and Lombardo received 28304, 105816 and 55861 ballots respectively. After the restoration, we learn that Gilbert, Sisolak and Lombardo received 83812, 62102 and 44083 ballots

respectively. In other words, the lion's share of Gilbert's Republican ballots were drawn

illegally into Sisolak's ballot totals (primarily his Mail-in Total), upsetting the proportion

of Democrat to Republican ballots in all partisan primaries down the entire ballot, which

reveals that Republicans cast their ballots in a two to one (2 : 1) proportion with

Democrats in the Nevada Primaries, yet the illegal geometrically-altered data transformed

the ratio of Republican to Democrat ballots cast into a Four to Five Proportion (4 : 5),

effectively diminishing all Republican votes to 4/10 of a vote per voter.

X.

OPINION ON THE SUMMARY REPORT TITLED "CLARK COUNTY, 2022, GOVERNOR PRIMARY PRECINCT ANALYSIS

49.   Contestant realleges all preceding paragraphs as if fully set forth herein.

50. Dr. Oliver A. Hemmers clarifies the Precinct Analysis which demonstrates the depth of

the incorrect, mathematically impossible results arising from the statewide 2022 Nevada

Primary Election. See, Exhibit "B", "Opinion on the Summary report titled "Clark

County, 2022 Governor Primary Precinct Analysis, by Dr. Oliver A. Hemmers, dated

July 2, 2022.

51. Dr. Hemmers provides an explanation of the algorithm applied to restore the 2020 "Baker

v. Hartung" Election in Washoe County as well as most vote count restorations, to the

announced voter result in the counties in Nevada. We learn from this explanation how to

measure the difference between a fair and an unfair election, where an unfair election is

an election where the result is predetermined algorithmically--by geometrically

impossible, mathematically-illegal formulae which unfairly reported the vote count in

Nevada. Based on the irrefutable geometric equations of the vote as reported and

successful use of restorative statistical formulae, properly applied in Nevada to the 2022

Primary Election vote count the statewide count can be reported accurately.

Dr. Hemmers, in his explanation of the Precinct Analysis, states in full:

1) The paper under review [1] claims that a mathematical analysis can determine the difference between a fair and an unfair election and where the unfair election is an election for which the results are predetermined algorithmically. It is assumed that causality is a valid assumption during an election where the effect cannot precede the cause, more specific that the **aggregate percentage of votes for a candidate cannot precede the election day and mail-in percentages**. This might seem to be a trivial assumption, but it lies at the very core of the analysis.

2) In the preface of the Clark County, 2022, Governor Primary Precinct Analysis, two examples are presented for a bivariate analysis [2] related to election results.

3) A bivariate (Two-Variables) is described as follows [2]: The analysis of two specific variables to determine the empirical relationship present between them is referred to as bivariate analysis and it is considered to be one of the simplest forms of quantitative analysis. It is of utmost help when it comes to testing simple hypotheses of association and determining the extent to which it becomes easier to predict the value of one particular variable, given [that] the value of the other variable is already known. There are three main types of bivariate analysis:

   a. **Scatter Plots**: It makes use of dots to represent the values for two different numeric variables. In other words, it provides us with a visual idea of what pattern the variables are following.

   b. **Regression Analysis**: This involves a wide range of tools that can be utilized to determine just how the data points might be related. It tends to provide us with an equation for the curve/line along with giving us the correlation coefficient.

   c. **Correlation Coefficients**: This shows how one particular variable moves about with relation to another.

4) In certain cases of bivariate data, one variable is said to determine or influence the other one. These two types of variables are distinguished as independent and dependent variables. The former refers to a situation wherein neither of the variables is considered to be dependent on each other.[2] A simple example is the

relationship that exists between teenagers reading (independent variable) and their scores in English (dependent variable). **Cause -> Effect**

5) The paper specifically uses the bivariant real number plane formular and the West vs. East paradigm to calculate the results as shown in [3,4].

6) The Preface concludes with a brief explanation how the election results were successfully restored for the 2020 Election of Hartung vs. Baker [4]. The data and calculations are shown in [4]. The data can be shown in form of two graphs, one is the original data (top), and one is the restored data (bottom).

Original Percentages


Restored Percentages
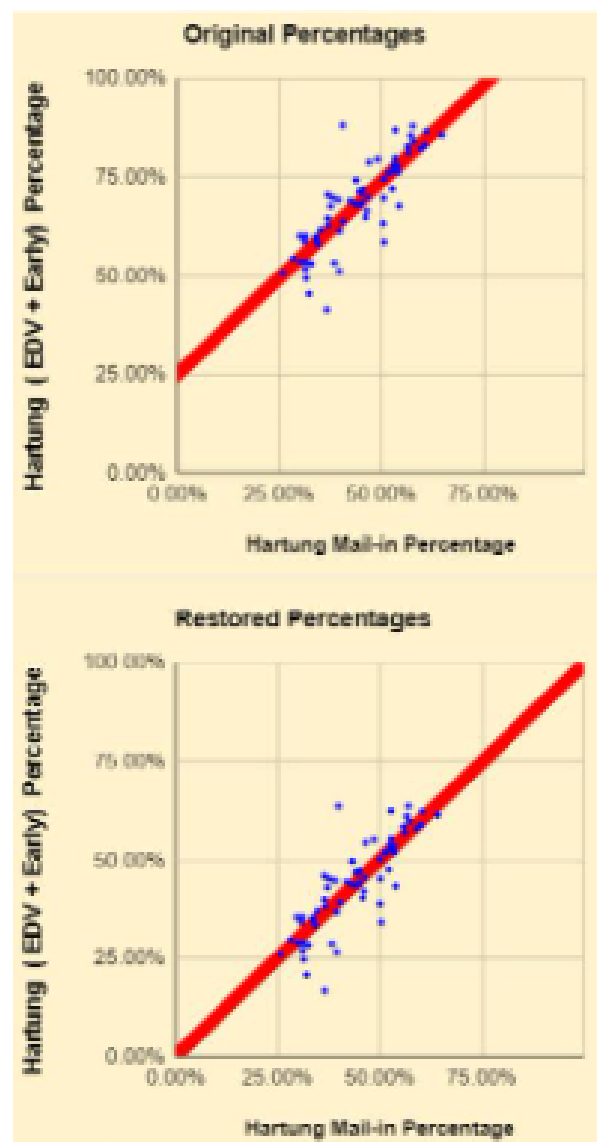
The blue dots represent the results of the individual election precincts, and the red curve is a polynomial (quartic) fit through the blue data cluster. The fact that *in the top graph the red line is not ending at 0%/0% as shown in the bottom graph, means that there is a problem with the election results.* (Emphasis added.) In a

fair election the sum of the Early Day and Election Day votes should produce very similar results to the Mail-in votes, meaning the x-values and the y-values should be similar (when x is 10% then y should be close to 10% as well) and not off by 25% [as demonstrated in the top graph].

    a. Even when Hartung received 0% of the Mail-in votes, he would "magically" receive 25% of the combined Election Day and Early Votes. This is impossible. Also, should Hartung receive 100% of the Election Day and Early Votes then Baker would "magically" receive 25% of the Mail-in votes (100% minus his 75% =25%). Again, this is not possible in a fair election.

    b. *Even though this discrepancy is not proof of fraud nor an explanation of what type of fraud rigged the election, but it is still possible to correct the numbers and restore the true values, so as if there was a fair election.* (Emphasis added.) The result is shown in the bottom picture and the calculated values can be found in [4].

    c. This method of the applied Election Restoration Algorithm has been successfully used over the past two years not only on Hartung vs. Baker but also for Maricopa, Philadelphia, Atlanta, Dallas and Tarrant, Macomb and Oakland, as well as the last federal election.

7) The same methods [5] that have been honed and applied to various elections over the past two years, have been applied to the Group B vs Group A candidates in the 2022 Gubernatorial Primary [6].
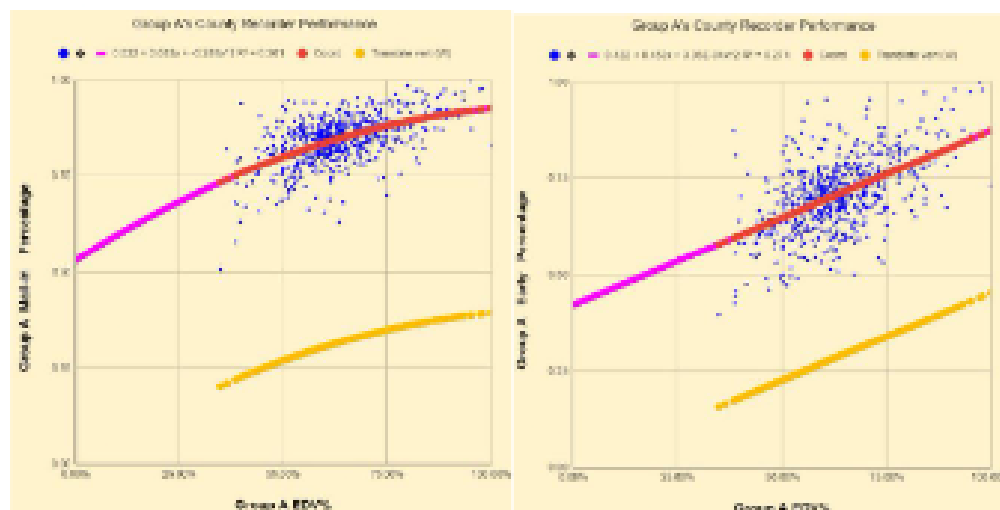
    a. As an example, the Group A data is shown in the two figures above. The blue dots are from [6], the red curve is a polynomial fit through the blue dots and the pink line is an extrapolation of the polynomial fit using the shown equation in the graph. Both have the Election Day vote percentages on the x-

axis. As for the y-axis, the left graph has the Mail-in percentages and the right graph the Early vote percentages. It can be seen that the y-intercepts and the polynomial spines between the two graphs are quite different. Reference [1] shows the restored positions of Group A's Election Day percentage which are virtually the same in both graphs [1].

b. In order to be able to restore the original data it is important to identify what part of the data is authentic in order to make the corrections to the illegal data. As written in [1], the illegal equations that govern the percentages of ballots cast between Group B vs Group A, the input percentage is h (as shown on page 3 in [1]), which is equal to Group B's Mail-in vote divided by Group A's combined Early and Election Day votes. From that we know that Group A's Mail-in vote and Group A's Early and Election Day votes are authentic.

c. Therefore, you can restore Group A's and Group B's totals and then multiply the individual vote totals of each candidate in each group by the net proportions of change between collectives of Group A and B in each precinct.

Summary

1) Reference [1] and the included references therein describe how using a restoration algorithm that is based on the well-established mathematical Bivariate Analysis [2] in particular the Bivariate Real Number Plane Formula [5], which has been applied numerous times over the past two years for many US county elections can also be applied to the recent 2022 Gubernatorial Primary in Nevada.

2) For the mathematical restoration of the original data, it is not necessary to claim fraud nor to know any specifics of the fraud.

3) The applied restoration of the official election results shows a significant difference between original and restored election data for all candidates reviewed.

See, Report of Dr. Oliver A. Hemmers, attached hereto and made a part hereof as Exhibit "B". Dr. Hemmers C.V. is also attached hereto and made a part hereof as Exhibit "C".

52. Based on the "Clark County, 2022, Governor Primary Precinct Analysis" and the Analysis of Dr. Oliver A. Hemmers of that analysis, Contestant, Joey Gilbert herein demands enjoinment of certification of the 2022 Primary Election results and requests a mathematical recovery of the true vote cast by the voters in Nevada, and, further, that Defendant make the electronic voting machines utilized statewide available for forensic analysis.

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XI.

THE 2022 PRIMARY ELECTION RESULTS
WERE CONTRIVED.

53. Contestant realleges all preceding paragraphs as if fully set forth herein.

54. G Donald Allen states that the Clark County, 2022, Primary Precinct Analysis demonstrates clear and convincing evidence that the election results analyzed therein were not produced by accurate counting of the votes cast, but were instead artificially contrived according to a predetermined plan or algorithm. See, Declaration of Expert G. Donald Allen, attached hereto and made a part hereof as Exhibit "D", and Curriculum Vitae of Expert G. Donald Allen attached hereto and made a part hereof as Exhibit "E", Declaration of Expert Walter C. Daugherity attached hereto and made a part hereof as Exhibit "F", and Curriculum Vitae of Expert Walter C. Daugherity attached hereto and made a part hereof as Exhibit "G".

55. Dr. Allen states that in his expert opinion, the Primary Precinct Analysis demonstrates clear and convincing evidence that the election results analyzed in these reports were not produced by accurate counting of the votes cast, but were instead artificially contrived according to a predetermined plan or algorithm.

56. Dr. Allen summarizes the salient points of the Primary Precinct Analysis report by Mr. Solomon, simplifying his notation, and clarifying how relatively simple it is to manipulate election outcomes using voting algorithms. He finds that the erroneous tabulation of the vote has two parts. The first is to establish the election is incorrect, and the second is to estimate what the vote total should be. He considers the basic configuration for Candidate A and Candidate B where there are only mail-in and election-day votes. Assume the proportion of the mail-in votes for Candidate A is h.

Therefore, the proportion of mail-in votes for Candidate B is $1-h$. The actual vote totals can be computed by multiplying the total number of mail-in votes. Similarly, the proportion of election day votes for Candidate A is k and the proportion of election-day votes for Candidate B is $1-k$. Again, the total votes for each is obtained by multiplying by the total number of election-day votes.

Now, let M be the number of mail-in ballots and K be the number of votes on election day. Then, the proportion of votes for Candidate A is

$$\frac{hM + kK}{M + K}$$

If voting has been algorithmized by adjusting the proportion of k to a new proportion r the vote total will be the same but the net proportion can be made to whatever, say $r <$ 0.5, it is only required to solve the equation

$$\frac{(1-h)M + (1-k)K}{M + K} = 1 - r$$

for k. This is done to favor Candidate B. A similar equation is to favor Candidate A. This new value is merely programmed to change votes to obtain the desired proportion.

57. Programming this is remarkably simple. Going into any election, if the mail-in data is known, and a good estimate of K is known, the equation has a unique solution. If accurate poll data is known, and it generally is, then all we need is M and we can use the poll estimates to reflect the proportions and then estimate what value k should be to obtain the desired proportion r to be programmed in.

58. All this is for just one voting station and literally could not be detected. However, if the same or similar proportion obtains over hundreds of precincts, then error is ascertained. That is, plotting the values of h and k of actual election results will reveal that k seems to be constant over all voting stations or precincts.

59. If there is some control over the total number of mail-in ballots, say by supplementing mail-in ballots after the election-day ballots are counted, then both h and k can be manipulated, to a value where the equation above is solved for h to determine the number of ballots that need to be added. In the absence of both proportions, then poll numbers must be used to fix h and then estimate k based on the desired proportion r.

60. If all mail-in ballots total are known beforehand, and if algorithms are applied as above with differing values of k, massive evidence of error can be detected by noting the proportion of votes for Candidate B generally computes to the same total proportion over the spectrum of reporting stations.

61. In each of these cases, the algorithmic is clear and essentially proved. While a mathematical proof is desired, we are working with field data, and therefore must be replaced with statistical proof for example as applied to forensic psychology.

62. Another, more complex example of algorithmic error, is absolutely clear and convincing when the computed proportions between Candidates A and B do not add up to one. These values we never see, as all reported numbers are lumped together for presentation. Even in the case of newly discovered ballots, we often see total vote proportions change as the count is reported, though this is less indicative of error.

63. How to estimate the votes Candidate A would have if the algorithm flaws did not occur? For this, we use a statistical argument and assume the mail-in proportions, which are assumed to be known and correct are the same as the election-day voting proportions. Alternatively, we know an established relationship between the two. From this, we can back-project to what the values of k should have been for each precinct. These in turn can be averaged in a weighted scheme (by numbers of voters) to gain the average value of k. Using the standard deviation, we estimate the range of all k values within two standard

deviations and compute the expected vote count. In this way, the number of votes lost to Candidate A can be estimated. Alternatively, precinct by precinct poll numbers could be used, thus canceling the effects of mail-in voters that are known to behave in different ways from election day voters. Such are standard methods in statistical analysis. In this particular case, they apply to the Gilbert and Sheriff's election results. Solomon uses a geometrical argument, rotating actual results to assumed slope one expectations.

64. Under all circumstances, the 2022 Primary Election results are mathematically incorrect, and can and should be restored.

XII.

THE SECRETARY OF STATE OF NEVADA AND THE REGISTRARS OF VOTERS MADE ERRORS SUFFICIENT TO CHANGE THE RESULT OF THE 2022 PRIMARY ELECTION

65. Contestant realleges all preceding paragraphs as if fully set forth herein.

66. Contestant, Joey Gilbert alleges that the State of Nevada, by and through its Governor, Steve Sisolak, Secretary of State, Barbara Cegavske, the county Election Boards and Boards of County Commission by their, and each of their failures to cause the vote count to be accurate by reason of the lack of accurate vote count equipment and application of illegal geometric and mathematical formulae, made errors sufficient to change the result of the Election. NRS §293.410(2)(d); that putative Republican gubernatorial candidate, Joseph Lombardo has been incorrectly denominated the winner of the Primary Election in that race and the result set aside in favor of Contestant Joey Gilbert.

67. Contestant alleges that the application of the contrived and illegal geometric formula as set forth herein allowed mathematically illegal and/or improper numbers of votes to be cast and erroneously counted, while legal and proper votes were counted improperly; that the geometric analysis of the error is irrefutable, and that a statistical application of

standard formula will restore the vote count accurately. NRS §293.410(2)(c).

Constitution of the State of Nevada, Article 2, Sec. 1A, (10), (11).

68. Nevada election law is to be liberally construed to the end that all voters have an opportunity to participate in elections and to cast their votes privately. See NRS §293.127. Further, the goal of Nevada election law is to ensure that the will of the voters is not defeated by any informality or by failure substantially to comply with its provisions. *Id.*

69. The Republican Primary race must not be certified.

70. If the Court does not determine to vacate the results of the Republican Primary Election for Governor as requested without a hearing, Contestant prays that discovery may be adduced according to statutory provisions to present a full record to the Court, and thereafter a hearing be set in order to assess the claims made herein.

XIII.

CONCLUSION

71. Contestant realleges all preceding paragraphs as if fully set forth herein.

72. The announced results of the 2022 Primary Election are not, and cannot be properly certified until mathematically corrected, the cost of which to the State is *de minimis*, and particularly so when it involves our most sacred Constitutional right to cast our vote and to have our vote accurately counted.

73. The Nevada Revised Statutes 293 *et seq.* and Nevada Constitution, Article 1, Section 1A, *et seq.* provide for an accurate count of the votes to reflect the will of the people of Nevada. Here, the mathematics are pure and incontrovertible. The *report*, at minimum, of the vote as tabulated is incorrect. Contestant does not allege who caused this to happen, when it happened, or how it happened---only that is HAS HAPPENED. That is

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mathematically irrefutable. There is no need to either allege or prove fraud---illicit mathematics were applied to the vote count. As a result, the election results were overwhelmingly skewed against Contestant Joey Gilbert as demonstrated by the geometry set forth herein in support of his contentions.

74. However---and without resorting to allegations of fraud---a manual hand count and/or a correct statistical application of the vote as announced to restore a recovered vote tabulation will prove that Mr. Gilbert actually won the Primary Election by more than 55,000 votes. He must be certified as the proper Republican Primary winner to run for Governor of Nevada in the 2022 General Election.

75. The announced vote count in Clark County, at minimum, is permeated with anomalies so egregious as to render *the results as presented incapable of certification*.

76. Setting aside an election in which the people have selected their candidate is a drastic remedy that should not be undertaken lightly, but should be reserved for cases in which a person challenging the election has clearly established a violation of election procedures and pure mathematics and has demonstrated by clear and convincing evidence that the errors have placed the result of the Primary Election in doubt.

77. Nevada law allows elections to be contested through litigation, both as a check on the integrity of the election process and as a means of ensuring the fundamental right of citizens to vote and to *have their votes counted accurately*.

78. Mr. Gilbert, Contestant herein, fully understands and appreciates the manifold bases for the judiciary to remove itself from electoral politics. But in this instance, this Honorable Court does have the final authority to address this miscarriage of justice regarding the illicit and wrongful application of illegal mathematical formulae and geometric

equations, and to *cause the recovery of the correct vote count*, and must do so, to restore

the confidence Nevadans in their electoral process.

Relief Requested

- In consideration of the foregoing, Contestant Joey Gilbert hereby prays for the following
  relief pursuant to NRS §293.417:

- That the result of the Republican Primary Election on June 14, 2022 be annulled or set
  aside; and,

- That certification of the Primary Election results be denied until the tabulation of the
  announced vote can be mathematically determined; and,

- That the illegal-geometry utilized in the count and recount of the vote be mathematically
  corrected and the vote mathematically restored to its corrected; or,

- That the Court set this matter for hearing not less than 5 days nor more than 10 days after
  the filing of the instant Statement of Contest (NRS §293.413); and,

- The Court refer this Contest to a special master with all powers necessary for a proper
  determination of the Contest. (NRS §293.413); and

- That Contestant be permitted to conduct discovery in the Contest. See NRS §293.415,
  and,

- The Court order a state-wide investigation of the existing voting program pursuant to
  NRS §293B.135(3); and,

- An inspection of all reports and all test material kept sealed by the clerk pursuant to NRS
  §293B.155; and,

- An inspection of the logic and accuracy test ballots and the official ballots retained
  pursuant to NRS §293B.170.; and,

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- That a record, printed on paper, of each ballot voted in the 2022 Primary Election be preserved and inspection by Contestant be provided pursuant to NRS §293B.400; and,

- An examination of the record maintained according to NRS §293.3625, and

- That Joseph Lombardo's ostensible "election" as the Republican candidate for Governor be set aside pending a corrected geometric application and restorative statistical analysis applied to the announced vote.

DATED this 15th day of July, 2022.

MUELLER & ASSOCIATES, INC.

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CRAIG A. MUELLER, ESQ.,
Nevada Bar No. 4703
808 S. 7th Street
Las Vegas, Nevada 89101
Attorney for Contestant, Joey Gilbert