

**ATTORNEY GENERAL
NEVADA DEPARTMENT OF JUSTICE**

100 North Carson Street
Carson City, Nevada 89701-4717

GEORGE J. CHANOS
Attorney General



RANDAL R. MUNN
Assistant Attorney General

FAX TRANSMITTAL MEMORANDUM

TO: J. Colby Williams 702-382-0540
Honorable Phillip M. Pro 702-464-5511
Mary-Anne Miller 702-382-5178
John Cahlan 702-914-4701
Ellick Hsu 775-684-5718

DATE: November 7, 2006

TIME FAXED: 12:30 AM/PM

FROM: Joshua Hicks

PHONE: (775) 684-1233

SUBJECT: ABC v. Heller

REMARKS: _____

This fax consists of 3 pages, including this cover sheet.

If you have any difficulties with this transmission, please telephone the number above.
Thank you.

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November 7, 2006

Via Fax

J. Colby Williams, Esq.
Campbell & Williams
700 South Seventh Street
Las Vegas, Nevada 89101

Dear Colby:

As you know, the Sun City Anthem Community Center is private property. Judge Pro's order enjoined the Secretary of State from enforcing NRS 293.740 as applied to exit polling. Accordingly, the Secretary of State has not and will not enforce the statute with respect to exit polling. However, the Secretary of State cannot control the restrictions a private property owner places on media access to his property, particularly when those restrictions are not premised on NRS 293.740 or any other part of Title 24. To my understanding, it appears that the private property owner independently decided to limit media access to his property. Such a decision is well beyond the scope of Judge Pro's order prohibiting the Secretary from enforcing NRS 293.740 against exit pollsters.

Regardless, we are attempting to contact the private property owner to see if everyone can reach a satisfactory resolution. I will let you know if we hear from the property owner and if anything can be worked out. However, if the property owner does not want to allow media access to his property, the Secretary of State will not order him to do otherwise.

It is unfortunate that your client was unwilling to identify targeted polling places weeks ago. If the Sun City Anthem Community Center had been identified as a targeted polling place when the complaint was filed, the Secretary of State would have been able to inform you that it was on private property and perhaps a different polling place could have been targeted, some kind of agreement worked out with the property owner in advance, or at the very least the property owner could have been made a party to the lawsuit.

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Sincere regards,

GEORGE J. CHANOS

Attorney General

By:



JOSHUA J. HICKS

Senior Deputy Attorney General

Cc: Honorable Phillip M. Pro
Mary-Anne Miller
John Cahlan
Ellick Hsu
(all via fax)