

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHERMAN RATTNER,
Petitioner,

vs.

DEAN HELLER, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF
STATE FOR THE STATE OF
NEVADA; HARVARD L. LOMAX, IN
HIS OFFICIAL CAPACITY AS
REGISTRAR OF VOTERS FOR
CLARK COUNTY, NEVADA;
PAMELLA A. MALMSTROM, IN HER
OFFICIAL CAPACITY AS ACTING
CITY CLERK BOULDER CITY,
NEVADA; DAVID OLSEN, IN HIS
OFFICIAL CAPACITY AS CITY
ATTORNEY, BOULDER CITY,
NEVADA; ROBERT FERRARO, IN
HIS OFFICIAL CAPACITY AS MAYOR
AND MEMBER OF CITY COUNCIL
BOULDER CITY, NEVADA;
MICHAEL PACINI, IN HIS OFFICIAL
CAPACITY AS MEMBER OF CITY
COUNCIL BOULDER CITY, NEVADA;
ANDREA ANDERSON, IN HER
OFFICIAL CAPACITY AS MEMBER
OF CITY COUNCIL BOULDER CITY,
NEVADA; KARLA BURTON, IN HER
OFFICIAL CAPACITY AS MEMBER
OF CITY COUNCIL BOULDER CITY,
NEVADA; AND ROGER TOBLER, IN
HIS OFFICIAL CAPACITY AS
MEMBER OF CITY COUNCIL
BOULDER CITY, NEVADA,
Respondents.

No. 45211

FILED

MAY 13 2005

[Signature]
CARRIE ANN GILLUM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This proper person original petition for a writ of mandamus seeks to exclude the Boulder Creek Land Sale ballot question from the June 7, 2005 Boulder City general election ballot. We have considered the petition, filed May 10, 2005, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Specifically, petitioner fails to cogently articulate any basis for this court's extraordinary intervention at this late date.¹ There has been no demonstration that any part of the ballot question will mislead voters into voting contrary to their wishes.² And as recognized by the Colorado Supreme Court, a ballot initiative need not "address every conceivable hypothetical effect the initiative may have if adopted by the electorate."³

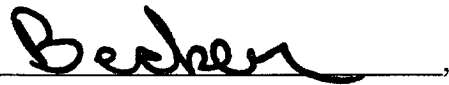
¹Pan v. Dist. Ct., 120 Nev. 222, 88 P.3d 840 (2004) (stating that a petitioner carries the burden of demonstrating that extraordinary relief is warranted).

²Wagner v. Secretary of State, 663 A.2d 564, 568 (Me. 1995) (stating that an initiative's language is not misleading if it is understandable to a first-time reader and unlikely to convince a reader familiar with the topic to vote contrary to his or her wishes); accord Nevada Judges Ass'n v. Lau, 112 Nev. 51, 910 P.2d 898 (1996) (stating that the failure to adequately explain an initiative's implications rendered an initiative potentially misleading); Stumpf v. Lau, 108 Nev. 826, 839 P.2d 120 (1992) (removing from the ballot an initiative that failed to inform voters as to its true nature and effect).

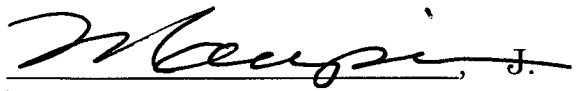
³In re Ballot Title 1999-2000 No. 255, 4 P.3d 485, 497 (Colo. 2000).


Accordingly, we deny the petition.⁴


It is so ORDERED.⁵

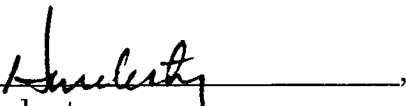

_____, C.J.
Becker

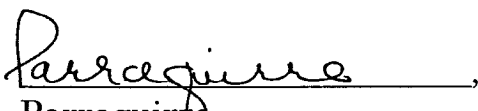

_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

⁴NRAP 21(b). Our order does not preclude a post-election challenge in the event the ballot question is approved by the voters.

⁵Boulder City's request for a hearing is denied as moot.

cc: Attorney General Brian Sandoval/Carson City
Boulder City Attorney
Clark County District Attorney David J. Roger/Civil Division
Lionel Sawyer & Collins/Las Vegas
Sherman Rattner
Clark County Clerk