

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA RETAIL GAMING
ASSOCIATION, A NEVADA NON-
PROFIT CORPORATION; RETAIL
ASSOCIATION OF NEVADA, A
NEVADA NON-PROFIT
CORPORATION; AND NEVADA
PETROLEUM MARKETERS AND
CONVENIENCE STORE
ASSOCIATION, A NEVADA NON-
PROFIT CORPORATION,
Petitioners,

vs.

THE COUNTY OF CLARK, A
POLITICAL SUBDIVISION OF THE
STATE OF NEVADA; CLARK COUNTY
BOARD OF COUNTY
COMMISSIONERS, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA; AND HARVARD L. LOMAX,
REGISTRAR OF VOTERS, IN AND FOR
THE COUNTY OF CLARK,
Respondents.

No. 40135

FILED

SEP 05 2002

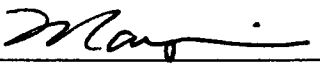
JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

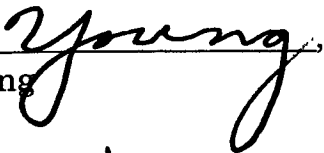
ORDER DENYING PETITION FOR WRIT OF MANDAMUS

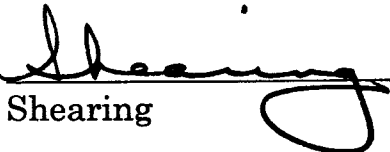
This is an original petition for a writ of mandamus challenging the inclusion of two advisory questions concerning secondhand smoke on the November 5, 2002 general election ballot. We have considered the petition, and we are not satisfied that this court's intervention by way of


extraordinary relief is warranted.¹ Accordingly, we deny the petition.² The motions for expedited treatment, oral argument, and to dismiss are denied as moot.

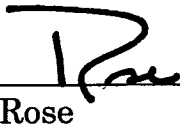
It is so ORDERED.


_____, C.J.
Maupin



_____, J.
Young


_____, J.
Shearing


_____, J.
Agosti


_____, J.
Rose


_____, J.
Leavitt


_____, J.
Becker

¹See NRS 34.160 (stating that a writ of mandamus may be issued to compel the performance of an act which the law especially enjoins as a duty resulting from an office, trust or station); NRS 293.482(1)(b) (“[T]he result of the voting on the [advisory] question does not place any legal requirement on the governing body or any officer of the political subdivision.”); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991) (stating that the issuance of a writ of mandamus is purely discretionary with this court); Bailey v. Baker, 696 S.W.2d 255, 256 (Tex. App. 1985) (denying a mandamus petition because of an unjustified delay in seeking relief).

²See NRAP 21(b).

cc: Kummer Kaempfer Bonner & Renshaw
Clark County District Attorney
Clark County Clerk