

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARIJUANA POLICY PROJECT
AND JONATHAN LAWHEAD,

Petitioners,

vs.

DEAN HELLER, SECRETARY OF
STATE OF THE STATE OF
NEVADA,

Respondent.

No. 43173

FILED

AUG 18 2004

JANETTE M. HULL
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS


This original petition for a writ of mandamus seeks to compel the Nevada Secretary of State "to investigate and enforce Nevada election laws relating to reporting requirements for campaigns involving voter initiatives." We have considered the petition and answer, and we are not satisfied that this court's intervention by way of extraordinary relief is

warranted.¹ Accordingly, we deny the petition.²

It is so ORDERED.

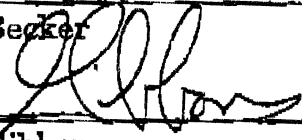

Shearing, C.J.


Agosti, J.


Rose, J.


Becker, J.


Maupin, J.


Gibbons, J.


Douglas, J.

cc: Attorney General Brian Sandoval/Carson City
Lemons Grundy & Eisenberg

¹NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603, 637 P.2d 534, 536 (1981) (recognizing that mandamus is not available unless there is a clear, present legal duty to act); NRS 294A.410(1) (“[I]f it appears that the provisions of the [Campaign Practices Law] have been violated, the Secretary of State may: . . . [c]onduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted and prosecuted . . . or . . . [r]efer the alleged violation to the Attorney General.”).

²See NRAP 21(b).