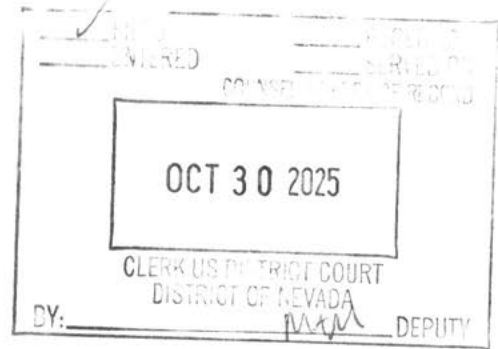


Andy Michael Thompson



Plaintiff, Pro Se



**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Andy Michael Thompson, Plaintiff Pro Se,

v.

Nevada Secretary of State, Defendant.

Case No. 2:25-cv-01284-CDS-EJY

**PLAINTIFF'S SUPPLEMENTAL NOTICE REGARDING
JURISDICTIONAL FOUNDATION, STANDING, AND
RECORD PRESERVATION FOR APPELLATE REVIEW**

This Supplemental Notice is filed to confirm the completeness, precision, and preservation of the jurisdictional record in this matter, pursuant to 28 U.S.C. §§ 1331, 1343, 1651, and 2107; Fed. R. App. P. 10(a); and this Court's inherent power to maintain a full and accurate record.

This Notice supplements Plaintiff's October 22, 2025 Response to the Court's Order to Show Cause and is submitted solely to perfect the jurisdictional and appellate record.

This Notice is not a motion for reconsideration but a record confirmation to ensure full appellate review should this Court decline jurisdiction.

I. Federal Jurisdiction and Statutory Basis

1. This action arises directly under **52 U.S.C. § 20701**, which mandates the preservation of all election records for twenty-two (22) months following each federal election. The duty imposed by this statute applies to all state election officials participating in the administration of federal contests.
2. Jurisdiction therefore lies under **28 U.S.C. § 1331** (federal question) and **§ 1343(a)(3)** (civil rights), as the claims enforce federally-created rights and obligations arising under the Constitution and laws of the United States.

3. Supplemental jurisdiction exists under **28 U.S.C. § 1367(a)** for parallel enforcement of **NRS 293.391(1)**, Nevada's statutory analogue to § 20701, which likewise mandates twenty-two-month retention of election materials.

4. The **Secretary of State**, as Nevada's chief election officer, is the proper defendant under both 52 U.S.C. § 20701 and NRS 293B.1045(6), possessing exclusive authority to approve mechanical and software changes to statewide voting systems.

Standing in this case derives from statutory injury independent of any election outcome or candidate interest.

II. Article III Standing: Injury, Causation, and Redressability

5. **Injury-in-Fact:** Plaintiff, a duly registered Nevada voter who participated in the mixed federal-state 2024 election, suffered a concrete, particularized informational and procedural injury when 2024 election records were overwritten and destroyed in violation of 52 U.S.C. § 20701 and NRS 293.391(1). This statutory deprivation

constitutes a present and continuing injury, not contingent or speculative, foreclosing statutory right to inspect and verify election data.

6. **Causation:** The injury is directly traceable to the Secretary of State's authorization of Dominion Voting Systems software update 5.20 between July 21 and September 30, 2025. The **July 10, 2025 email from Chief Deputy Attorney General Greg Ott** (Exhibit 3 to Plaintiff's Response) constitutes an admission that the Secretary personally approved these updates across Nevada's counties pursuant to NRS 293B.1045(6). No county could legally proceed without that authorization.

7. **Redressability:** This Court retains full authority to declare the record destruction unlawful, to order forensic imaging of residual data, and to enjoin future overwrites absent preservation. Such relief remains effective notwithstanding completion of the 2025 updates because residual system data and audit logs persist within the statutory retention period.

III. Statutory and Constitutional Standing

8. Plaintiff falls within the **zone of interests** of both § 20701 and NRS 293.391(1), which exist to safeguard transparency and accountability in elections including federal offices.

9. Under *FEC v. Akins*, 524 U.S. 11 (1998), informational injuries that deny access to statutorily required election data confer standing. Likewise, *Public Citizen v. DOJ*, 491 U.S. 440 (1989), and *Spokeo v. Robins*, 578 U.S. 330 (2016), confirm that the denial of information mandated by statute constitutes a concrete injury.

10. Because the Defendant's authorization of record destruction was undertaken in his official capacity, the injury is traceable to state action and redressable through declaratory and injunctive relief within the Court's equitable powers under **28 U.S.C. § 2201**.

IV. Justiciability and Continuing Controversy

11. The controversy is **capable of repetition yet evading review**, (a doctrine repeatedly applied to election-related controversies where statutory time frames expire before judicial review can occur), given the twenty-two-month retention period and Defendant’s continuing authority over future federal elections. (*Southern Pac. Terminal Co. v. ICC*, 219 U.S. 498 (1911)).

12. The issues presented are of exceptional public importance affecting the federal guarantee of transparent and lawful elections, invoking the judiciary’s non-discretionary duty to hear cases “arising under” federal law (*Baker v. Carr*, 369 U.S. 186 (1962); *Bond v. United States*, 564 U.S. 211 (2011)).

V. Procedural Integrity and Preservation for Appeal

13. This Notice confirms that each jurisdictional element—injury, causation, redressability, and statutory authority—has been clearly established in the pleadings and supported by the evidentiary record now before the Court.

14. Plaintiff certifies that all referenced exhibits, statutory provisions, and authorities are properly cited in the record, that no material factual or jurisdictional matter has been omitted, and that the record is sufficient for appellate review under Fed. R. App. P. 10(a).

15. Should the Court proceed to dismissal, this filing is intended to foreclose any later assertion of waiver, forfeiture, or jurisdictional insufficiency. The record will thus stand complete for de novo review by the United States Court of Appeals for the Ninth Circuit, and, if necessary, for petition under 28 U.S.C. § 1254(1).

VI. Conclusion

The record before the Court is complete and demonstrates standing as a matter of law, establishes federal question jurisdiction, and confirms traceable causation arising from Defendant's official acts. Accordingly, the case file constitutes a full and self-contained record suitable for de novo appellate review under Article III.

Respectfully submitted,

/s/ Andy Michael Thompson




Plaintiff Pro Se

Dated: October 30, 2025

CERTIFICATE OF SERVICE

I certify that on October 30, 2025, I served a true and correct copy of this **Plaintiff's Supplemental Notice Regarding Jurisdictional Foundation, Standing, and Record Preservation for Appellate Review** upon:

Gregory D. Ott, Chief Deputy Attorney General
Office of the Nevada Attorney General
100 N. Carson Street, Carson City, NV 89701
gott@ag.nv.gov

by electronic mail and by U.S. Mail, postage prepaid.

/s/ Andy Michael Thompson
Plaintiff Pro Se

STATEMENT OF PURPOSE AND RECORD CLARIFICATION

The jurisdictional and evidentiary foundations of this action are complete and preserved within the district court record. For clarity, Plaintiff confirms that the July 10, 2025 Ott Email—identified as Exhibit A to Plaintiff’s Emergency Motion for Temporary Restraining Order (ECF No. 9) and as Exhibit 3 to Plaintiff’s Reply to Defendant’s Opposition (ECF No. 16), remains part of the operative evidentiary record before the Court.

The written record contains the factual basis, exhibits, and procedural chronology necessary for full appellate review. The issues presented are capable of repetition and implicate the structure of federal jurisdiction and the integrity of the electoral process. The record demonstrates exhaustion of remedies, adherence to procedural rules, and preservation of all objections for review.

This statement confirms that the case file, as docketed, constitutes an accurate and comprehensive record suitable for appellate

examination under Article III standards and governing principles of review.