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ELECTIONS COMMITTEE - 56th ASSEMBLY SESSION

9

MINUTES OF FEBRUARY 5, 1971 Room 222.

MEMBERS PRESENT: CHAIRMAN, Mary Frazzini, VICE CHAIRMAN:  
Frank Young, Nick Lauri, Ross Prince,  
Marge Foote, Darrell Dreyer, Juanita  
White

GUESTS: Esther Nicholson, Mrs. Cunningham, Mr.  
Young, Jack McCoskey, John Koontz, Secret-  
ary of State.

Chairman Frazzini called the meeting to order at 8:10 a.m.

Mr. Young moved that Dr. Bushnell should be asked to serve  
in an advisory capacity to the Elections Committee. Seconded  
by Mr. Lauri. Motion carried. Chairman Frazzini introduced  
Mr. John Koontz who made the following statements:

"I discussed with Mr. Swackhamer yesterday AB 114, in which  
it puts a candidate with no opposition having just one vote  
counted for them. I pointed out to Mr. Swackhamer that one  
section of this law dealing with establishment of political  
parties, section 293.073, in order to establish a party you  
have to have a petition, 5% of the total vote cast for Rep-  
resentative in Congress, now if you only counted one vote  
for the representative in Congress 5% of that wouldn't a-  
mount to much, you see so I think that if this AB 114 were to  
pass, there is a possibility, however remote, that a congress-  
man wouldn't have any opposition, you see, and if you only  
counted one vote for him it would conflict with this method  
of establishing a party like the Independent American Party  
did."

Mr. Prince stated that he had intended to put "county" races so there will be an amendment to AB 114.

Chairman Frazzini stated that she had received a letter, requesting on the same thing, that perhaps the county clerk or the Secretary of State could cast a unanimous ballot for the people who are running unopposed.

Mr. Koontz said it was possible, for example, in any district race that embraces more than one county they file with me and, when I compile the certificates to the county clerk, I do not know whether the candidate has opposition. So when I would send out the certificates to the county clerks for printing and putting their name on the ballot, nobody would vote for those who had no opposition. I would take all the certificates filed in the office and automatically cast a vote for the ones who didn't have opposition and certify them elected along with the ones who had a majority of the vote.

Mrs. Frazzini asked "Do you feel that could be logical?"

Mr. Koontz said it could be logical - it is not impossible or impractical.

Mr. Koontz stated that one of the problems is the room on the ballot; and at that time he introduced Mr. Jack McCloskey, from Hawthorne, owner of the Mineral County News newspaper. "First, you must understand that occasionally some overlook the fact that John Koontz anticipates the registration well in advance; total registration in all counties who vote paper ballot; orders his paper months in advance in order to

have the special water-mark built in at the paper mill - approximately six months. We use the standard 17" by 22" paper, 19" by 24" - almost too wide to get into a voting booth without taking it in sideways."

Mr. McCloskey: Touching upon the Bill John and Mary were discussing, that Mr. Swackhamer, Mr. Prince and Mr. Grover turned in, something we tried back in the 40's, to eliminate the unopposed candidate from the ballots, the biggest objection came from our Supreme Court Justices.

And some of the well-entrenched officers in those days - the unopposed candidates believe that by getting a high compliment in vote makes them look really strong across the state. But we think we have a solution to it, tied in with another idea that AB 51 opens the gate to. This is by the Washoe Storey delegation - that is the one that you make a provision for the questions to be placed upon a separate ballot. Now it might be entirely possible that, if you shove that second ballot involving the questions, it would be permissible to put the unopposed candidates on that second ballot and leave it well into the next day to count. It's just the contested cases out first and this is what we are going to suggest. But they were just one jump ahead of us and AB 51 and that's down in Section 1, No. 4. I was going to call the attention of the committee to that one thing and I didn't get a chance this morning to look up this bill very good. That Section 4, however, there should be a cross

reference to the existing law that requires the question to be on the same ballot. There should be a cross reference to the question on AB 51, Section 1, No. 4. Mr. Koontz stated that the law says that the candidates shall be placed on the ballots followed by the questions - it implies that they go on the same ballot. Mr. McCloskey stated that they were going to ask the committee on this same thought - if we are going to have a breakthrough. We did have it in 1970 with question #9 - people voting with more than one ballot - which we have done for many years with school bonds elections. You have to have a separate ballot. We took three to the booth with us this year. Leading up to this, giving the Secretary of State authority to direct the County Clerks - by kicking this around we figured we might save the State a little money. I don't know if that is possible in/day and age, on paper. After all, the amount the printers of the ballot is fixed by law and was fixed in 1949, the last time we got an increase. The counties with 1,000 ballots - there is no way you can print them for \$80.00 - for the one thousand there is no way to get around it. I had rather not even ask for an increase this year until we work out some of the major changes and then come back and show them what we have done and where we are. It's the sample ballots. If we didn't have the sample ballots, most of us could keep our shirt and another thing is that week-end, night work we went into last year with those court contests. It was a touch and go deal but, with the suggested changes and say it is in

this bill we are thinking in terms now of the questions for a general election two years from now, we won't have any problems because we do not have all the state contests or county contests. Four years from now, the Lord and the legislature help us because of all the AJR's sitting down there on the desk now, if they pass in 1971 or 1973, Koontz is going to have to know well in advance how many are actually going on a ballot before he even orders the paper by size. Mr. Koontz stated - another problem we are running into now, for example, - they increased the Supreme Court so you may have an extra candidate there. They are increasing the courts in Reno to the district judges to 5 or 6 and the regions keep increasing. Then we have 30 candidates - so our candidates keep expanding. Then when they put the legislature on there, we have these various candidates for the different districts and everything. Pretty soon, you got so many candidates there is just no room for the questions." The committee says they expected to do something about that. Mr. McCloskey said, "along with this, the separate ballot for the questions, we are trying to make it a little more flexible for the Secretary of State, into his rules and regulations which he puts out. We did this about six or eight years ago and ripped a lot of hard and fast rules out of the statutes."

Mrs. Frazzini requested that Mr. Koontz could perhaps get a copy of the statutes to the committee and Mr. Koontz said it would be done.

Mr. McCloskey continued saying that they had a similar plan for the primary. He showed the democratic primary ballot

to the committee. In a primary election, with 30 lone names for the State Board of Education, they make up that ballot and then they make up a Republican ballot - the Board of Education and the regions. They then have to print the non-partisan ballot, the Board of Education, regions, and on justice races, there would be three ballots. Our suggestion would be to take the same number of Democratic and Republican ballots, but only half the size - change the law instead, saying each non-partisan has to be on the Republican. Also, to be on the non-partisan, to print enough non-partisan ballots, short or long as it may be, - then when you go to vote, if you are a Democrat you will vote a Democrat and Non-partisan ballot. (This is the Primary) The same would apply to Republicans and the Non-partisan. We can save a tremendous amount in paper and the counting of the votes on that night. It will allow them to count all the Republican and Democratic contested races and put these off to one side until the very last. They can not do it now - it requires a simple change in the law.

And we have one other problem. John and I have discussed it and I don't know the answer to it. The reason we went all the way down and wasted all that paper - the law says that the candidates must be grouped alphabetically. If we could break them up, we could stop with Logar, Incumbent, who was defeated - put Sam McMullen at the top. McCullen has equal billing with a man whose name begins with B and we

have opened the gate to a real contest. These are some of the suggestions John and I have kicked around. If we must go this alphabetical way, take that way and we could almost cut it in half - give them a long narrow ballot and the Republican - Democratic, say, one could be a horizontal ballot and the other a vertical ballot.

That way, trying to save paper on the thing but get all that mess of garbage out of these Democratic-Republican ballots. Frank Young - I doubt if you will have again the kind of situation you had here with the State Board of Education. I think you will find that board districted like it was before so that you would be electing in any one place only one person. I'm guessing but I certainly think that, in those places where you have paper ballots, you are only going to be electing one person to the State Board. Now, you might have five people who have filed for that but you surely aren't going to have this kind of situation. I'm guessing even the region elected in small counties are going to be districted into single seat districts. Again, I'm guessing, - now my question to you is - having said that, if that in fact comes about does that affect your recommendation.

Mr. McCloskey - No.

Mrs. Frazzini: This is so complicated. Why should this be in the law? Why shouldn't the Secretary of State have the right to make some decisions in this?

Mr. McCloskey - As long as you make a few changes, as we did a few years ago, on a few more points of the law, John and I

can look through and tell you the section we would have you look at and just a simple typewritten sheet.

Mrs. Frazzini requested they do that.

Mr. Koontz: One place we had a problem was in White Pine County. For some obscure reason, the printer over there couldn't set the type and it had to go to Salt Lake City and then come back. We only had one week you know from the Supreme Court decision to get that type back from Salt Lake up to Ely and up to Elko to print them and back down. I'll tell you I was "sweating blood", whether we were going to have any ballots at all from White Pine.

Mr. McCloskey said he thought AB 131 would take care of that.

Mr. Koontz stated, in connection with all these ballots Jack talked about, there is another ballot that enters into the picture. That is the one on Presidential election for these migrant workers. So we are going to have to have a separate ballot for that entirely and a possibility of one for the eighteen year olds - which would throw us into about five ballots if we can't get the thing unraveled.

Prince: Will your voting machines in your big district take care of that many extra ballots?

Mr. Koontz: Well, I doubt it, but what I was going to suggest - some time in the future, not too far in the distant, if we could get Mulroy, who runs the voting machines in Clark County, and Alec Coon, who runs them in Washoe, and myself and Jack McCloskey, (the small counties we don't have too much of



a problem with) which when we iron this out it generally covers all of them. But, if we could get them here so that we could relate some of these changes to fit the voting machines too, you see.

Mrs. Frazzini asked if Mr. Koontz would be responsible for getting these people together and Mr. Koontz said he had already alerted them - that when these bills are finally whipped into shape to suit the committee, perhaps we could all get together and discuss them with the committee. Mrs. Frazzini said that is what the committee wants to do.

Mr. Koontz said there was another problem that is going to arise. I think you are going to get it from 17 printers and 17 County Clerks about moving that date up to the third Tuesday in September.

Mr. McCloskey said he thought if they could get the breakthrough on using in the primary, a party ballot for each Republican and Democrat and a non-partisan for all of them and see how its works, and we aren't going entirely blind but we are making a maiden flight, so to speak, John and I are, in trying this thing and then with the questions in the general, if it works then we can joint venture in some of these other things to speed up and simplify the operation.

Mr. Frank Young: Pursuing Mr. Prince's Bill for just a moment, about the counting of one vote when candidates run unopposed or even Mr. McCloskey's suggestion about putting them on a separate ballot, would you, from your experience, guess that this might lead to a candidate putting up a straw opponent in order to get a test of strength. Mr. McCloskey said it

was possible.

Mrs. Frazzini explained to Mr. Koontz and Mr. McCloskey about the proposed changes to Chapter 293, that came about by a bi-partisan look at the election code. These are suggestions and the committee would like their ideas on it.

Mr. Koontz stated that something should be done about what to do if there is a malfunction in a voting machine. It is not covered in the law. Mr. McDonald might take a look into that.

Mrs. Frazzini thanked the guests.

Meeting adjourned at 8:55 a.m.

B. Smithers