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MINUTES OF MARCH 12, 1971: ROOM 222

MEMBERS PRESENT: CHAIRMAN: Mary Frazzini, VICE CHAIRMAN: Frank Young, Nick Lauri, Juanita White, Darel Drever, Ross Prince, Marge Foote.

GUESTS: JACK MCCLOSKEY, MINERAL COUNTY NEWS, JOHN KOONTZ, SECRETARY OF STATE, NOEL E. MANOUKIAN, DICK LEWIS, MR. CUNNINGHAM, ALEX COON, TOM MULROY, MRS. HANSON, MRS. HUMPHREY, MRS. GARDELA

Chairman Frazzini called the meeting to order at the hour of 9:00 a.m.

ATTACHED TO THIS SET OF MINUTES ARE ALL THE OBJECTIONS OF MR. ALEX COON, DEPUTY CHIEF CLERK, AND MR. TOM MULROY, REGISTRAR OF VOTERS, L.V

Business before the committee at this time was review and testimony of AB 564: Amends provisions of election law.

AMENDMENT TO CHAPTER 293 of NRS:

SECTION 1: Marge Foote moved to delete lines 3 and 4 of this section, seconded by Nick Lauri, motion carried.

SECTION 3: Alex Coon referred to this section, there was committee discussion; the committee voted to leave the proposed changes as they are, and Mr. Wright will research the definition of voters and qualified electors.

SECTION 4: Subsection 2, delete [from being ready for distribution] and add "from being issued.

SECTION 6: sub-section 1., delete [electors] and add "registered voters".

SECTION 7: 293.130; sub-section 1., delete [at the county seat of each county]

Sub-section 2., on NOTICE ON (PARTY) CONVENTION, delete [county seat of the county at 11 a.m.]

same section; change [mass] meetings to "precinct" meetings.

page 3

SECTION 8: 293.133: sub-section 2., on line 49/after the word year--add " a convention is held"

Page 4 line 1; change back to "30" days; delete [15].

SECTION 13: sub-section 3., Mr. Wright will research this.

sub-section 4., delete [1st Wednesday in October]
add "3rd Tuesday in September" in two places.

SECTION 15: sub-section 2., add " shall count vote counters"
and "the ballot labels are correct and securely
in place."

SECTION 16: 293.177; sub-section 2., DECLARATION OF CANDIDACY
add another signature line.

add a sub-section "4", and it will say " Parties
designation not required in Non-Partisan election"

SECTION 17: 293.180; sub-section 1; delete [of any political
party for] and add " for his parties"

SECTION 18: 293.200; sub-section 1; delete [votes] add "ballots"

there was discussion on sub-section 7.; Mr. Lauri
moved to leave it as it is, seconded, motion carried,
with one dissent.

SECTION 19: 293.205; There was committee discussion on this,
about changing July to January. Mr. Prince moved
to leave it "July" Mrs. White seconded the motion,
motion carried.

SECTION 20: 293.210; delete [No] and add "A" on page 9 line 14.
line 17, delete [unless] and add "if"
line 19, delete [in which event].

SECTION 23: 293.250; (c) of sub-section 2; Mr. Alex Coon suggeste
A condensation of each issue or proposition or consti
tutional amendment into a question not exceeding 20
words for the layman voter on each such condensation
to be placed nearest the spaces or devices for indica
ing the voter's choice. " There is no ambuguity when
stated this way.

The committee felt this was a very good suggestion.

SECTION 26: 293.273; delete sections 1 and 2 and rewrite;
Mr. Young stated a motion to the effect that
Counties with voting machines open from 7 a.m. to
7 p.m. and counties without voting machines from
8 a.m. to 6 p.m.

Mr. Wright will put in the correct wording.

SECTION 29: 293.313; sub-section 3., The committee decided to
purge Mr. Mulroy's suggestion "anyone should be
permitted to vote by absentee ballot in two successiv

Mr. Mulroy's suggestion cont'd

elections, but after having voted in two successive elections, and that would be four years, their affidavit would be cancelled. the above will be purged with Mr. Coon's AFFIDAVIT FOR ABSENT BALLOT.

SECTION 30: 293.316; the committee decided to leave in Section 1. in addition to the proposed amendment.

At this point Mr. Frank Young, moved for Indefinite Postponement of SB 383, seconded by Mr. Prince, motion carried. The reason for this being that this bill is in conflict with 293.316.

SECTION 31: 293.323; delete [postpaid] and add postage paid. (this is as it formerly was.

SECTION 32: 293.330; Committee decision, leave in Section 1., and delete[postpaid] in the proposed amendment.

SECTION 34: 293.385;

SECTION 35: 293.387; The committee agree to add to this section Mr. Mulrov's suggestion of adding " the Board of County Commissioners, or their designate, shall prepare the Abstract.

Meeting adjourned at the hour of 1:00 p.m.

b. smithers

- Page 1 SEC. 2 "Delegate" is also defined in AB 95.
 SEC. 3 lines 8, 9 & 10: Refer to Sec. 18 on page 8 of this bill where Representative in Congress is deleted, which is a good idea, i.e., eliminating percentage tied to personal popularity. So, in this Sec. 3 it might be changed to the effect that "...5% of the WHOLE ballots cast by the State's registered voters at the last preceding general election..." because of the separate ballots used + out-of-staters' ballots the word "whole" before ballots is recommended.
- SEC. 4 The idea in subsection 2 is to get ballots mailed or issued. Up to the last election, injunctions have been to hold up printing of ballots. If this new section remains as is, there could be injunctions to stop ISSUE of ballots until Supreme Court decides a last minute contender petitions on constitutional grounds. So, instead of saying "...from being ready for distribution..." make it "...from being issued..." Also in this regard, let's say official ballots are issued but only sample ballots are distributed; quite a difference.
- Page 2 SEC. 7 It appears that AB 17 and AB 450 have changes on the convention subject matter---just might tangle with this amendment.
- Page 5 SEC.13 begins on page 5 but we get to subsection 4 on page 6:-
 Page 6 subsection 4 implies there can be a change on the ballot due to a vacancy up to the first Wednesday in October, while the rest of Sec. 13 above it says no changes shall be made after the 3rd Tuesday in September---that won't work if subsection 4 is left as is.
- SEC.14 subsection 4:-here we have the same conflict of deadlines as in subsection 4 in Sec. 13 changing "...1st Wednesday in October..." to "3rd Tuesday in September" would be better.
- Page 7 At top of page in lines 1, 2, 3, 4 & 5 it seems that checking the vote counters would be just as important for being as zero as would the public counter. So, the vote counters' 000 ought to be certified like the rest of specified items.
- SEC.16 on line 7:-only 293.165 is excepted; it seems that 293.166 should be another exception worthy of mention---both sections are vacancy provisions.
 On lines 29,30 & 31:-Might mention that AB 322 eliminates this phrase in the declaration of candidacy.
 Also on Sec. 16, we could use a subsection 4 added to the effect that "Political party affiliation need not be stated in a declaration of candidacy for nonpartisan office." This was in the law but got left out along the way.
- Page 8 SEC.18 on line 19 we have "VOTES cast"---surely "ballots" was intended to be written here---guess there's easily over a million votes cast in Nevada when 100,000 ballots are involved. So, the same suggestion applies here as given for Sec. 3 above.

Subsection 7 on lines 40 through 43 was declared unconstitutional by Judge Peter Breen in July 1964 and it was never

knocked down. Since the Legislature never did take this subsection out, maybe it's a hot potatoe. Judge Breen cited Supreme Court decisions on the matter.

Page 10 SEC.23 on lines 3 & 4:--I'd like to know what is a "summary of a question"?? This item has caused difficulties on voting machine labels. We had it in the law once but it was not explicit enough. I think it would be better if it read this way: "(c) A condensation of each issue or proposition or constitutional amendment into a question not exceeding 20 words for the layman voter on each such condensation to be placed nearest the spaces or devices for indicating the voter's choice." There's no ambiguity when stated this way.

Incidentally, this same thing on 20-word questions could be used by amending NRS 295.045 subsection 4 relative to a referendum question. So, it is hereby requested that 295.04 be included in this omnibus bill for amendment accordingly. The thing is that whether the question appears on a paper ballot or a voting machine label, there's an EXPLANATION of the question shown with it, i.e.; the condensation to 20 words doesn't hide not circumvent anything when the EXPLANATION IS MANDATORY accompaniment.

Page 13 SEC.31 line 14 has "postpaid" inserted in one place only. Maybe postpaid means paying postage both ways---to and from the clerk; I believe that was the intention here. If so, I think it would be better to insert "postpaid" in front of the words "return envelope" on the same line.

SEC.34 ---What is the objection to counting absent ballots before the polls close?? The work is accessible to scrutiny all the way. It saves a long night of waiting on close races and helps supply the demand for quicker returns. There's a good audit trail.

Page 14 SEC.35 Lines 21 and 36--this change to 10 days is in conflict with the change to 15 days in AB 426 section 127 page 16 on lines 10 & 24.

Page 17 SEC.43 --- 30 days in the old law proved to be too short a time to do a good job of processing the rush registration for a hot general election. To have 293.560 the way it is with the 6th and 7th Saturdays gives us the 10 extra working days needed to do the corrections and follow-ups. Suggest that we be given at least the fifth Saturday before election.

-----alex coon

COMMENTS OF TOM MULROY, CLARK COUNTY REGISTRAR OF VOTERS
REGARDING ASSEMBLY BILL NO 564:

I raise no question on the content of page 1, or on lines 1 through 26, on page 2. I note that Section 7 deals with NRS 293.130, having to do with the holding of County Conventions. I also note that a portion of AB 450 also deals with this subject; although I am not directly concerned in these matters County Conventions and State conventions, if held other than in a General election year would draw limited support because it is the interest developed in a General election year that creates the interest and attendance that is necessary to the success of party activities.

Section 15, line 40, page 6: I note that it is suggested that the word "General" be deleted, which would require, I would assume, that notices for the examination of the machines would be sent to the party chairman even in municipal elections, and I point out that, to the best of my knowledge, no municipal elections are held on a partisan basis.

Section 15, on page 7: I note that an addition is made at the end of said DECLARATION ON CANDIDACY. I understand that this additional wording is intended to make clear the difference between the name that shall appear on the ballot and the name that might appear as the candidate's signature on the Affidavit of Registration. I can see this need, and in the past, in Clark County, on the line that says "Declaration of Candidacy of....", we inquire of the candidate in what form he wants his name shown on the ballot, and that is what appears on the top line of the Declaration; then in the body of the Declaration, the proper name is typed in as it appears on the Affidavit of Registration, and the signature of the candidate is also required to be the same as that appearing on the Affidavit; however, at the top a nickname, or some other name by which the candidate is well known, may be used and it is this form that would appear on the ballot. By following this procedure, we have avoided complaints and errors in structuring our ballots. However, if it is thought that a new form should be designed toward this same end, I would have no objection.

Section 24, line 12, on page 10: I wonder why the deletion as shown in paragraph 3, line 18? I have never known this to be any problem to show the non-partisan offices on the party ballot of each party, in the Primary, and I can see even less concern when I read paragraph 4, on line 8, of page 10.

Section 29, paragraph 3, line 3, on page 12: I do not agree with the form shown therein as application for absent ballot, particularly because we get so many California residents who want to vote absentee ballot at every election, each and every year, simply for the purpose of avoiding California State income tax, and this also applies to other states; therefore, they would have no hesitancy in stating "I do not intend to abandon my residence in Clark County" when in reality, they don't even have a residence in Clark County; just an address of a friend. I still believe that any one should be permitted to vote by absentee ballot in two successive elections, but after having voted in two successive elections, and that would be four years, their Affidavit would be cancelled. There has been discussion previously concerning the need for purging voting rolls more often than is presently done; the use of this proposed form would not lend itself to that end, but instead would retain these "carpet-baggers" on and on.

Section 32, page 13, line 27 and line 28: It is suggested that the absentee voter shall "vote according to instructions and shall mail it in the post-paid envelope provided." I believe it is impractical to try to determine the amount of postage that will be needed to return a ballot to the Election Department when we are not even sure where the ballot is going to be mailed from. In some instances the ballot is forwarded from the address to which we send it, to some other address which could even be outside the continental limits of the United States. In addition, we would be paying postage on ballots that didn't even get voted, but may have gone astray because of the carelessness of someone else. Elections are already quite expensive. Outgoing prepaid postage on primary and general A-Bees was \$650.

I now refer to Section 34, page 14, line 7: NRS 293.385 appears to be amended by changing the time for the beginning of processing, and this does not mean counting, from 3 pm until after the polls close at 7 pm. We have gone this route before, and I oppose this change for processing, from 3 PM to 7PM, but wholeheartedly endorse restriction of the actual counting of votes, until after the polls close. We in Clark County had 1232 absentee ballots in the last General election. We started processing at 3 PM and we finished up our processing about 8PM, and finished our counting tabulation on the computer at about 9:15 PM. If we were not able to start until after 7 PM, we would be well into the early hours of the morning, and this is when errors are more likely to occur.

I now refer to Section 35, NRS 293.387, in which it is required that the Board of County Commissioners shall meet and proceed to canvass the returns as soon as the returns from all the precincts and districts have been received. I think it should be made clear at this point that in Clark County the Board of County Commissioners do not do the pencil and paper work required to compile the Abstract. Our operation is too large for this to be practical. As the Registrar of Voters, I consider that myself and my staff are their agents, acting for them, and I believe the law should be changed to make this clear. It might read that "the Board of County Commissioners, or their designate, shall prepare the Abstract." However, by the tenth day, when the Abstract has been completed, it is presented to the Board of County Commissioners, and at that time they may ask questions, examine records, listen to any interested party, and then either move to accept the Abstract as prepared by the Registrar of Voters, to reject it, or take whatever other action they deem advisable. It is only after they have acted that the results, if approved, are declared to be the official results.

Section 43, on page 17: I believe that NRS 293.560 should be left as it is. I can assure you, that if the time set for close of registration was the day before election, everyone would wait until the last day. It has always been thus, it always shall be, whether it be the last day for registration, filing income tax or buying motor vehicle tags, and we do need the time presently allowed. In the last General election we did 4300 registrations in 13 days. If the time had been shorter, we could not have possibly cleared all those Affidavits and gotten them onto the rolls and printed in our roster. The time would not have permitted to accomplish this. A considerable amount of time is spent trying to track down field deputies and to get the Affidavit they have, into our office.

That concludes my comments on AB 564