

ELECTIONS COMMITTEE: 56TH ASSEMBLY SESSION

MINUTES OF MARCH 30, 1971, ROOM 336 (MAP ROOM)

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

GUESTS: Art Palmer, Legislative Counsel, Fred Duggar, Data Processing
Perry Burnett, Attorney, Lawrence Jacobsen, Speaker of the Assembly.
and Senator Gibson.

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

The first order of business before the committee was testimony from
Senator Gibson on SB 264: PROVIDES FOR REVOTE WHERE VOTING MACHINE
MALFUNCTIONS.

Senator Gibson stated that this bill was prompted by the situation that occurred in Henderson this last election in the Assembly District race, and it was worked out with Russ McDonald, primarily to meet one part, I understood that there was some other general legislation being developed on the determination of machine malfunction and allowing an inspection of the machine, etc. so this bill didn't go to that point. We found that this situation created a very awkward condition in our community because there was no provision in the law for settling it specifically, it caused quite a bit of anxiety as you know, finally it wound up in your hands for a decision, this bill strictly is for machines principally has created a determination of the outcome of the elections, such that happened in the case I am referring to. Russ drafted this to attempt to prescribe very narrowly the conditions that would have to prevail before this could take effect. In researching the other states we found no precedent for this, so we didn't have anything to go on. The conditions that would have to be first of all would be the fact that in this particular, this vote on this machine would have to have determined the outcome of the election. I imagine that would not happen very often. Then the idea would be to attempt to reconstruct as nearly as possible the conditions that prevailed at the time the vote was taken. The election would have to be contested, there would have to be a recount in other words the candidate who felt aggrieved would have to go through all the present statutory procedures to validate the vote as recorded; Then he could request a re-vote in that particular precinct. The revote would be set up to simulate as near as possible the conditions that prevailed, in other words, the ones who actually signed the register and voted in the election would be able to vote. The names of the candidates in that race would appear on the machine and if there were three candidates, all three names would appear. And a different machine would be used for the revote and be conducted and affirmed with the other rules of the elections and the return would be certified and replace the original return from the machine. If the revote substantiated the contest, then he would be declared the winner and the cost would be paid by the county and if he did not sustain the contest the original contest would be sustained and he would bear the cost revote. It was suggested in the Henderson case that the two candidates have a ^{re}election and there was no standing in the law for such an election.

Sen. Gibson cont'd

Or another suggestion made was that the person withdraw his contest of course, withdrawing a contest it wouldn't have mattered how the re-election turned out he wouldn't have had any legal standing in any of the steps. But in the results of that suggestion he received a lot of abuse because he didn't enter into the contest. As a result the community became quite divided over it and I think a lot of feelings were hurt that will probably last for quite a while, this should have never occurred.

Now this may not be the perfect remedy, but I think that because the situation has happened once we should have something in the law procedure that could be followed should it ever happen again.

Mr. Lauri; does this bill presuppose single member districts? I am referring to the Smith-Espinosa-Smalley case.

Mr. Gibson: no, this is why I am against multi-member districts, the single shot has the effect of abberating an election in a multi-member district, and there was a lot of single shoting in this particular race, and so for re-establishing conditions for re-vote you just have to have all the candidates before you actually change the condition, and it really isn't a simulation of what occurred on election day,

Mrs. Frazzini asked if this could be open to abuse.

Sen. Gibson: A set of circumstances would have to prevail for it to go on motion, I don't see how it could be subject to abuse.

Mr. Young: Actually it limits it to the ones who actually voted on election day.

Mr. Lauri stated that it doesn't necessarily mean that all the people who voted on election day will come along the second time, and vote the same way.

Mr. Gibson: The only thing I can see is to have some kind of remedy in the law because of the above case that has ruptured a lot of friendships, etc. needlessly, I am sure that finally occurred is what actually happened on election day.

Mr. Young referred to the last paragraph, Section 7 ; inclusive of this act shall be construed as preventing any candidate from exercising any other rights granted to him by any other provision of this chapter, including the right to contest the election in accordance with the provisions of this chapter. Presumably he could still file with the Sec. of The only question I have is, has the time run out by the time you have had the re-vote ?

Mr. Gibson: Russ drafted this and supposedly all the time elements will fall into place.

Mr. Burnett replied that he agreed with Sen. Gibson.

Mrs. Frazzini asked if the decision was made in this committee wouldn't that take away the right of the house to determine.

Senator Gibson: No, because this section 7 is included. I don't think you can take away the right of a candidate to contest an election because it is protected in the constitution.

Mr. Lauri, assuming that it does go to the legislature despite of the revote is the legislature then required to examine both contests

Sen. Gibson: I don't think the law really restricts the legislature. In my opinion, that if this committee you appointed wanted to conduct a re-election they could have done so, as for their guidance, there is no standing law, but once the committee is appointed the determination;

The last case they had such a contest was a case in Eureka, where they had thrown out the absentee votes, the committee found they had thrown out the absentee votes, they found a personal animosity, and a prejudice on the part of the county commissioners and the county clerk, and all that was taken into account and when they reported back, the legislature brought in the absentee votes and they changed the results of the election.

I don't think the law restricts the legislature in how they determine the qualification of the person seek, now they may seek to challenge it for importance.

If you could work something out I think it would be worth having a provision, it may not come up again in one hundred years.

Mr. Young: I don't know if you have seen AB 792 vet but this is a bill we have just introduced to do what some of the attorneys suggested in the Smith-Espinosa case, namely to intercent the issuance of a certificate of election where there is a contest. The Governor has been the one to issue the certificates where the legislators have been elected from multiple counties anyway, and so this would simply establish that the granting authority of the certificate would be the same for all of us, not just for those elected from multiple counties.

AB 792: REQUIRES GOVERNOR TO ISSUE ELECTION CERTIFICATES TO STATE LEGISLATORS; CLARIFIES PROVISIONS GOVERNING CONTESTS OF ELECTIONS.

MR. LAURI MOVED FOR DO PASS, SECONDED, MOTION CARRIED.

SB 264: PROVIDES FOR REVOTE WHERE VOTING MACHINE MALFUNCTIONS.

MR. YOUNG MOVED FOR DO PASS, SECONDED, DISCUSSION ON THE BILL, 6 AYES, 1 NO, MOTION CARRIED.

There was discussion on SB 291, which had an Indefinite Postponement by the committee on March 25, Mr. Prince wondered if this bill shouldn't be re-considered. The Committee will reconsider this on March 31;

REAPPORTIONMENT

Mr. Young reported to the committee that the speaker had spoken to Art Palmer in terms of possibly Art and Fred explaining to individual groups of legislators perhaps by caucus about some of the mechanics of the apportionment process, indications from Friday, showed that a lot of people didn't understand this.

Mr. Palmer: I think that is likely true, some of the comments made on the floor of the Assembly, that apparently various assemblymen didn't know what was available and what had been done with the material available from the bureau of the census and how we had been able to structure things with the computer, so I thought this morning I would indicate in general terms what the bureau of the census has furnished us with and probably let Fred take it from there as to how things apply to the computer and what results have been made available for the legislature to consider. We recognize there is some gap here because the legislators were requesting materials to be made available to them which had already been presented to them. Mr. Palmer explained the census pamphlet (see attached).

Mr. Palmer explained some of the old districting maps to the committee and explained to them that they had held to political townships, unfortunately the Courts, since 1965 suggests that maybe in some cases we can't hold to political townships lines or county lines, particularly as we sub-district in these metropolitan areas, like Washoe and Clark Counties, there when you consider single member districts or two member district, three member districts four member districts, it would be normal to break down to single member districts and then build it up to what is so desired. We couldn't do that until the bureau of the census late in January did make available to us what they call a master enumeration district list.

For example in North Las Vegas township, you break down what they call a census tract, and a census tract in turn are broken down into enumeration district, a census tract contains several thousand people and enumeration district on an average contain about 821, but they range anywhere from 0 to several thousand, due to the fact that when the bureau of the census erected these districts, Nevada growing so rapidly, by the time they get back therein April of '71 to count maybe there was several thousand people in an area where they thought they would only find a thousand.

Mr. Palmer further explained to the committee the reason for the shattering on the new maps, the reason is that the bureau of the census may not violate a county line, or municipal line or a township line.

Mr. Palmer stated that the bureau of the census was running at least 3 months behind the date they quoted.

Then he explained the Block statistics, you can take anyone of the enumeration districts in the metropolitan areas only, but you can break that down into city blocks anywhere, normally it's from 6 to 20 blocks to be an enumeration district.

In most cases I would say we have 98% of all the material we need right now.

Mr. Jacobsen said that in the meeting of the Assembly as a whole, some of the members felt that they were not briefed sufficiently enough. He felt that the members should be briefed individually before having another meeting of the whole.

Meeting adjourned at the hour of 9:00 a.m.

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1970 CENSUS OF POPULATION

124

November 1970

PC(V1)-30

NEVADA

Final Population Counts

(The figures in this report supersede the preliminary counts for the same areas published in the PC(P1), PC(P2), and PC(P3) series of reports. The present series consists of 52 reports—number 1 for the United States and numbers 2 through 52 for the States and the District of Columbia in alphabetical order rather than in order of publication.)

The official population count of the State as of April 1, 1970, was 488,738. This represents an increase of 203,460, or 71.3 percent, from the 285,278 inhabitants of the State in 1960.

This report presents final 1970 census statistics on the number of inhabitants of the State and its counties, classified by urban and rural residence. In addition, figures are shown for each county subdivision, each incorporated place, and each unincorporated place of 1,000 or more.

The figures presented here are being issued in advance of their publication in Final Report Series PC(1)-A. The final report for this State will be issued within the next few months.

An outline of the 1970 census publication program can be obtained free of charge from the Bureau of the Census, Washington, D.C. 20233 or any U.S. Department of Commerce Field Office.

Urban and rural residence.—According to the definition adopted for use in the 1970 census, the urban population comprises all persons living in urbanized areas and in places of 2,500 inhabitants or more outside urbanized areas. More specifically, the urban population consists of all persons living in (a) places of 2,500 inhabitants or more incorporated as cities, villages, boroughs (except in Alaska), and towns (except in the New England States, New York, and Wisconsin), but excluding those persons living in the rural portions of extended cities (see "Urbanized areas," below); (b) unincorporated places of 2,500 inhabitants or more; and (c) other territory, incorporated or unincorporated, included in urbanized areas. The population not classified as urban constitutes the rural population.

Urbanized areas.—An urbanized area generally contains at least one city of 50,000 inhabitants or more and includes that portion of the surrounding territory, whether incorporated or unincorporated, which meets specified criteria relating to population density. There are a few urbanized areas which are based on "twin central cities" that have a combined population of at least 50,000. Some urbanized areas contain one or more incorporated places designated as "extended cities." These places are so designated because they have one or more large portions (normally at the boundary of the city) with relatively low population density. These portions are classified as rural and the residents are not included in the population of the urbanized area.

County subdivisions.—The Census Bureau presents statistics for subdivisions of counties, as follows:

- (a) By minor civil divisions in 28 States—Arkansas, Connecticut, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin.
- (b) By census county divisions in 21 States—Alabama, Arizona, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Kentucky, Montana, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Washington, and Wyoming.
- (c) In Alaska, by boroughs and reservations for those census divisions (the county equivalent) which are so subdivided.

Minor civil divisions (townships, districts, etc.) are the primary political divisions into which counties are

subdivided. In some States, incorporated places are minor civil divisions in their own right. In other States they are subordinate to the minor civil division in which they are located, or the pattern is mixed—some incorporated places are independent minor civil divisions and others are subordinate to the minor civil division.

Census county divisions represent community areas which have been defined in recent decades by the Census Bureau with the cooperation of the Governors and State and local officials. These areas have physical features (roads, streams, etc.) as boundaries or follow the limits of incorporated places. The census county divisions in these States have replaced a variety of minor civil divisions which were unsatisfactory for statistical purposes principally because their boundaries frequently changed, were imaginary lines, or were not well known by many of the inhabitants.

Incorporated places.—Political units recognized as incorporated places in the reports of the census are those which are incorporated as cities, boroughs, towns, and villages, with the following exceptions: (a) boroughs in Alaska, and (b) towns in the New England States, New York, and Wisconsin. For extended cities (see "Urbanized areas" above), the data in table 2 refer to all of the population residing within the corporate limits of the city. For these cities, table 3 shows the urban and rural parts separately; comparable 1950 data are not available because this concept was not used prior to 1970.

Unincorporated places.—As in the 1950 and 1960 censuses, the Bureau has delineated boundaries for closely settled population centers without corporate limits. All such places of 1,000 inhabitants or more are shown in tables 2 and 3, and are identified with the letter "U."

Boundary changes.—The boundaries of some of the areas shown in this report may have changed between 1960 and 1970. The 1960 figures given here have generally not been adjusted for such changes. Specific information on the changes will be presented in the Series PC(1)-A final report for this State.

Percents and symbols.—Percents which round to less than 0.1 are shown as zero. A dash "-" signifies zero. Three dots "..." mean not applicable. Minus sign preceding a figure denotes decrease. The symbol "NA" means not available, and "U" means that the place is unincorporated. In table 3, an asterisk "*" denotes an incorporated place under 2,500 located in an urbanized area.