

ELECTIONS COMMITTEE 56TH ASSEMBLY SESSION

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MINUTES OF APRIL 2, 1971

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

GUESTS: Tom Mulroy, Registrar of Voters, Las Vegas; Alex Coon, Deputy Clerk, Washoe County; John Koontz, Secretary of State; Dr. Beasley, University of Nevada, Art Palmer, Legislative Counsel Bureau, Fred Duggar, Data Processing Center, Dave Branch, Assemblyman; Roy Torvinen, Assemblyman; Richard Bryan, Assemblyman; Lawrence Jacobsen, Speaker of the House, Assembly; Mac Fry, Assemblyman.

Chairman Frazzini called the meeting to order at the hour of 8:00 a.m. Senator Close was not present to testify on SB 240, so chairman Frazzini turned the meeting over to Vice Chairman Frank Young for the presentation on reapportionment.

Mr. Young: I think we all have the feeling that we are getting down to the wire, the final bills are coming in, decisions were reached yesterday on the distributive school fund, and that's one of the signs we are near adjournment. So we need to get decisions made on this important issue of reapportionment. The Senate is having their committee of the whole this afternoon at one o'clock. We have yet to hear, in this committee, Fred Duggar. We have received from Art Palmer a book of maps and various arrangements for the rural counties.

Mr. Young called on Fred Duggar to explain the workings of the computer regarding reapportionment.

Mr. Duggar: The computer program we have are the same ones that were used in the State of Delaware, which accomplished their reapportionment in 1967. This is being used in other states at this time. It is a rather simple thing in what it can do. To give it data which is no more a piece of population and the location of that piece of population actually happens to be, and you give it lots of these pieces of data, it will carve up this geographic "pie" (if you will) so that it comes up with equal population districts. It tries to, at the same time, maintain the compactness of this district so that you don't get odd shaped things. These are the only two things that it does. It's quite good, it's quite fast, and it does a reasonable job within the data limitations it has. That is the census data. It gives us the information once it sets to, if we give it something like Clark County and we say divide it into 35 pieces or whatever it happens to be. The computer will work for a while and give us a first start, first guess. It will name the enumerated districts that happen to be in there, and it lists all those things, it lists the population of each legislative district and then comes up with the sum population in that district and calculates the variation from the average district size, it prints that up and then goes on for the 35 districts or whatever it happens to be. So we have that sort of information and we are then able to look at maximum of the issue, which one of these districts are going to be the worse violated of the average population size, it will deviate the most from the average, and will tell us which one it is and we can look at that is acceptable or not acceptable or perhaps we could do a little bit of swapping. At any rate that is

Duggar cont'd

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what is given to us. If it continues on in a series of solutions at the same starting point if you will, so that it may produce 6,7, sometimes up to 15 different passes on the same basic solution, trying always to minimize the population deviation. Now we could throw in the State of Nevada or we could throw in Washoe County or we could throw in Reno Township or Las Vegas Township except the State of Nevada is too large for the computer. Our approach has not been to treat the state as a whole but to respect the county boundaries and let the rural counties be done by priority. As far as the rural limitations, the computer knows nothing about political boundaries, township boundaries etc. so we must manually extract the data within any particular political piece of geography that we want and give it only that to work on, this means that sometimes we might have to borrow some people from North Las Vegas Twp and put them in Las Vegas Twp, because N. Las Vegas Twp had too many or too few people for an even number representatives. Then there has to be some sort of arbitrary decision as to how many people you pull from one to put in the other, this is the problem you get into when you say we will respect political boundaries. That is a decision that has to be made externally. One of the other problems you run into are islands, that is that the computer tries to draw the legislative district together as best it can, sometimes however, this has happened in Washoe county, there is an enumeration district with zero population that stuck out, so the computer took Verdi and put in Gerlach, this is no problem, you just put Verdi back, there is no people involved. One that is not so simple is that the enumeration districts are given to us by the bureau of the census being tracted, with several distinct pieces, geographic pieces, in order to map these we have to have the approximate center of that enumeration district, now the map we map may not lie in any piece of the enumeration district, but will be in about the center of all the various sum pieces.

Mrs. Frazzini asked Mr. Duggar to explain the meaning of enumeration districts for the benefit of the people present.

An enumeration district is the lowest level of a reported information on population that we now have from the bureau of the census. It was designed, ( it's a geographic ) the boundaries of these things, generally respect political geographic boundaries, city, etc. it does not necessarily respect other incorporated boundaries. It was also designed to be on the order of 800 people each. But of course couldn't build it before they took the census, so as a result the population, actually is a single enumeration, it varies from zero to 7,000 This could take in 4 city blocks to 100 blocks.

The islanding problem I was talking about, when you have enumeration districts that is made up of several isolated pieces, if one enumeration district happens to fall on the edge of the perimeter of a legislative district that might have been created, then you might have a piece of it, and six is located in another area. The only thing we can do to this is to go at it manually and say what are we going to change.

I keep talking on manual adjustments, I don't think that anybody here would like to take a computer generated legislative district and buy it verbatim. Because it is going to have some funny things.

Mr. Young: Generally speaking, to improve the correlation between the legislative district and communities of interest, would probably be the best way of saying it.

Mr. Duggar: That is one of the ways of saying it, another is to improve the population of disparity. These are all limitations, I talked on today. The smaller the pie, the more successful you will be in minimizing the population disparity. A very large pie would certainly be very easy to get close together, a small pie would be more difficult. I would think to decide upon criteria, which would depend upon the size of the various houses; Referring to the Vegas, 20 districts, which of course 36 representatives, this is not the only solution, there can be many, many solutions working with 20 districts.

The whole thing can be rotated slightly, we can direct the computer to try and find the solutions by giving it a starting point, to work from, so I would like to caution you against maybe the hazard that would be involved in preparing some of the maps we have, in saying this district is a better one than the one on the 45 member assembly these districts can be changed, the size of the house is immaterial There will be a tendency for these things to pattern around populated centers.

The actual location of each of the assembly districts is not all dependant upon the number of seats, there is no relationship.

Mr. Young: Wouldn't you think that those would be the kinds of things we would probably exercise some judgement on after we start to produce some plans and do some hand adjustment.

Mr. Duggar: I just brought these up now because they are criteria to be used in eventual set you want.

Mr. Jacobsen asked if the lines on the pie would be straight.

Mr. Duggar: No,

Mr. Prince: Fred it looks to me like what we are going to have to do to get this thing off and rolling is to decide what size the legislature is going to be, is that right?

Duggar: That is one of the things.

Mr. Duggar further stated that there were three sets of maps for Washoe and Clark Counties, these were based upon the assemblymen sizes of 36, 40, and 45. These maps could be changed at any time.

Dr. Beasley then spoke on the mathematical problems, and passed out material on this. He spoke briefly about the contents of the material presented. My point is, totally without regard of any political considerations, and without regard to the question of whether we have multiple districts or not, there is some very important numerical facts that we ought to realize. Example, if you were to come back and give the state a 37 man assembly 17 man senate 11 man board of regents then the person in the district, whether he knew it or not, would be faced with the problem of dividing the state into 6,919 districts of approximately equal

Population, which is impossible. That is because of the numbers, now if 40-20-10, 40 equal districts would do the job. I am making a strong plea that consideration be given, whatever the numbers may be to having every apportion board a number which divides the seats in the assembly.

Mr. Young: Aren't you assuming the assembly seats or all the people running are from single seat districts, what happens if instead of single seat districts we had say 5 seat districts for the assembly.

Dr. Beasley: The point of view of the man doing the districting he creates 5 single seat districts and puts them together. So it does not help his problem at all. 45 and 18 are both divisible by 9--then it amounts to 90 districts then you would get your assembly by putting two together.

Mr. Lauri: Assuming that we went with a 40-20, and we settled on a 10 and 10 for the board of regents etc. you are still left with a 7 figure for the councils and commission. Dr. Beasley replied, "Yes" Mr. Lauri wanted to know if we could change that, but they wouldn't have to was the answer to the question.

Mr. Lauri stated they had been thinking the other way, that they had accepted the numbers they had on the lists and seek the divisible number at the top.

Dr. Beasley: What I am saying is decide on the numbers and then tell the "map guys" to make a map and make the adjustments.

(See Dr. Beasley's attached report)

Mr. Torvinen had a question on the building blocks why do they have to be used? In Reno, with very small manipulation we can settle our county commission problem in Reno to a political satisfaction: and actual satisfaction merely by changing a at large County Commissioner to a Reno County commissioner. Now we don't have any building blocks we can solve our County Commissioner problem in Reno very simply: keep within the guidelines of 2 to 3 %. I am not sure why we would have to say the building blocks of county commissioners and etc. have to be considered in this mathematical buildup.

A. One reason would be, that if you just have the 5 districts as they are now, then you put in non-assembly districts then you would have 45 different election districts, because the boundaries will overlap in complicated ways.

you do have an election complication.

Mr. Duggar brought out something that hadn't been questioned before: a possible advantage of the use of the building block approach is, if we have multi-member seats sprinkled around and they are components of these building blocks, indicates then that, the Supreme Court decision comes down saying thou shalt have single member districts, the job is done.

Mr. Young: Fred; What you are saying then is, that you cannot say to the computer, divide Washoe into one single, two doubles and a triple

Mr. Duggar: That's right, you say divide into so many equal parts.

Perry Burnett was next to speak: (in regard to legal aspect.)

The first concern is the criteria, because they did not have all the material needed to work with. Determining the number of the legislative body. When that is done you are through: the number one criteria. Then you have the basic criteria, then you add this and some other, mathematics, numerology, political science, geography, etc. What has happened since 1965, that's the last time we had this done. What has happened since 1965 is, -One man, one vote revolution. The Courts now have fine rule now where there is very little deviation permitted between one district and another. He quoted a sample case Reynolds vs. Simms which was handed down by the supreme court, in this case the decision was one man one people vote. Mr. Burnett spoke of AR 27 and proposed ACR is the Assembly's attempt to come to grips with the criteria. He stated that there is no rule announced by the Court which may be accepted as the standard in as far as determining whether or not the permissible deviation has been built into the districting. The rule of thumb however, is. 5%.

Mr. Young: A plan that deviated, 5% plus and 5% minus from that norm which we might think of as 10. That seems to be the guideline?

Mr. Burnett: Yes, that seems to be the guideline.

Justification in the Courts is in your good faith attempt to set down criteria and then get to work, this is what this committee has to do. The other main point is, the single member district problem, Mr. Burnett quoted the Chavez case which is before the Supreme Court at this time. There are at the present time 5 of these cases before the Courts. The problem with multi-member districts which was announced first in Fortune vs. Dorsen case is the threat to racial or political groups, groups of residents who have common social economic bonds not political party.

Then the rule was set out in succeeding cases, the following is under examination, a plaintiff which might claim that his voting power had been diluted, could step forward and first of all he would have to make a case, that he is a group within this multi-member district that is he is a part of this group, and that this group is of sufficient size to be recognized, for example; take 100 member voting district and 50 member of the community would be of this particular situation where where racial is involved, if the group then became a multi-member group of 200 persons, these 50 or so persons might well become submerged in as far as the voting power is concerned.



Burnett cont'd

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Every state in the Union has this problem, expect 12. In sumation on this particular matter, the difference is if there been a "good faith" attempt to re-district the State of Nevada, and as a part of that, working under recognized criteria, which permits the use of the multi-member district. If after the work is done, the plan is challenged the plaintiff has the burden of establishing that there was a constitutional violation.

Mr. Young Asked about one of the criteria in AR 27; boundaries of seperate minority communities of interest shall be respected. Mr. Burnett was asked if he approved of the wording.

Mr. Burnett stated that he believed that the wording highlights the criteria. He thought it would perhaps be better to put something to the effect of single member districting is preferred that multi-member districts will be considered.

Mr. Branch wanted to know what had been done in Clark County where they had two black communities seperate communities contiguous to one another. Some people wanted black communities and others didn't. Mr. Young said they hadn't in a final and conclusive way. They had considered putting part of Las Vegas and putting in North Las Vegas, aside from that, it has only been looked as far as knowing that is where you take care of it. Mr. Duggar stated that the computer would have a tendency to take care of these areas by creating two assembly districts.

Mr. Young asked the committee if, in the next twenty minutes, based on information they had received so far, to again consider identifying the size of the two legislative bodies they would recommend. The committee referred to the percentage table. Mr. Dreyer stated "no" this could not be done in twenty minutes. Mr. Dreyer believed it should be brought up before the entire body of the house. Mr. Young wanted to know if they should go back into a committee of the whole with or without recommendation. Mr. Lauri said he would like to remain with 20-40. Mr. Branch wanted to know if this committee had been in touch with the Senate within the last week; Mr. Bryan felt that the assembly could spin their wheels at great lengths and reach something the assembly could agree to and the Senate would completely reject it. Mrs. White thought it was quite obvious that the small counties preferred 18-36, and the larger entities wanted 20-40. Mr. Duggar said that the county lines could be held more easily at lower numbers.

Mr. Lauri brought up the decision involving Hawaiian Islands, possibly this could be construed as similar to Nevada's situation in trying to hold to county lines. He thought that they had the priority in this house, and possibly they should think of working on the legislative figure considering the 20-40 setup that they already have, and have the lower board conform to that.

Mr. Young took a brief poll of those present as to their preference. and present this to the committee as a whole this afternoon and try to reach a decision.

meeting adjourned at 9:30 a.m.