

ELECTIONS COMMITTEE: 56TH ASSEMBLY SESSION

MINUTES OF APRIL 6, 1971

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

GUESTS: Art Palmer, Legislative Counsel Bureau, Assemblyman Grover Swallow, Assemblyman Zel Lowman, Senator Mel Close.

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

The first order of business before the committee was:

AB 322: Eliminates prohibition against interim change of party affiliation by candidate for aprty nomination.

Mr. Lowman spoke to the committee on this bill;

Your Vice Chairman, Mr. Young called my attention to a Senate Bill # 291 which says you change party affiliation and still run the year of the filing time of the primary. Perhaps if you have a preference you might like that one better. However, it has been my conviction ever since I discovered this law was on the books, which I guess was 4 years ago, that if anybody really wanted to take this to court, it is unconstitutional. Obviously I have some ulterior motive, I know of an Assemblyman at the moment that is considering changing and continuing to run if he had this option under the statute. I suppose that is why legislation initiated, because there is a need for it, but over and above that, I feel this is an undue restriction on the freedom of individuals and for that reason I would prefer AB 322, which is my own bill to the one in the Senate, however I would certainly prefer to see the Senate measure than to leave it like it is. I don't see not being able to change your party affiliation if you want to. Whether that is wise on an individual's part or not, is something else again. That's all I have Madam Chairman.

Mr. Close: This was considered in the Judiciary, Senate bill whatever number it is # 291. The senate bill originally provided, I think, for a six month, then we amended it. The Supreme Court decision that says that you have to have some relationship between the time that you change your party registration and the next election. There has to be some logical relationship so I think we put it back to one year, I don't know what the logical relationship is with a year, but it does permit to change the election now for example, and run at the next election. The way it is now is two years, but if you are running for the Assembly it's every four years, because you can't change

Sen. Close cont'd

and run the next time, so the Senate Bill permits you to change and run during the next election. The reason we had it taken out entirely was that there was some talk in there about there being some party allegiance although there is not a great deal in Nevada, but you shouldn't just move back and forth as you feel like it.

Mr. Young asked if he didn't think that a January 1 date would pass?

Sen. Close: I moved for a January 1 date; that was adopted for a while, and during the conversation we moved it back to a later date, I don't recall what the date was.

Mrs. Frazzini quoted the date;" within a period of one year prior to the last for filing as a candidate for such primary election"

Sen. Close: I see no harm in having a January change.

Mr. Lowman: It seems to me you must have some period just before the election where they will be able to locate you.

Mr. Young: For one thing, putting it January 1, it will let you take part in precinct meetings, and the whole convention process, it is kind of the beginning of the political season.

Sen. Close: Yes, but you see Frank, you are taking the part in the other political party convention process, you can change the year, to one year before then you are taking part in the parties process you are going to run for.

Mr. Young: You put it January 1st, then you would be taking part in the political party process of the new party you chose.

Sen. Close: If you were an Assemblyman you would have to change shortly after the session was over, the way my bill is now.

Mr. Lowman: I can see the problem of the election department being able to find you, now, the other thing that Frank brings up now is party responsibility or party allegiance or maybe both. Frankly I think that is a less moment in America today than it has ever been before.

Mrs. Frazzini agreed

Mr. Lowman:

Any short length of time from my viewpoint is more logical than say, you can't run if you ran last time;

Senator Close was next to give testimony of:

SB 240: Limits campaign expenditures of state senators and assemblymen.

SB 240 is an answer to all problems regarding campaign. It provides for \$9,000 or 25 cents per vote for a senate campaign and \$6,000 or 18 1/2 for an Assembly campaign. The bill was originally drafted to have \$9000 or 25 cents the lesser of, it was amended to make it the greater of. So in all cases \$9,000 would be the base or \$6,000 would be the base. \$6,000 for the Assembly is less because you have to run every two years and that meant in two years you would have to raise probably a maximum of \$12,000 to four years, and in the senate you would have to raise a maximum of \$9,000 for a general campaign. That may or may not be a valid distinction. 25 cents a vote was arrived at, quite frankly by just pulling it out of the air. I think 25 cents is a logical sum for an election. Now Utah, since this bill was drafted Utah has adjourned, I saw in one of the editorials of the Utah paper that they praised the legislature very highly, said what a great job they had done, and the highest disappointment they had experienced was that they had not passed a bill similar to this one. So when the bill came down from Utah at my request, I amended this bill to put in some their requirements. Utah went much further, they have 25 cents per vote, so they came up the very same figure we came up with. But, it is 25 cents a vote for everyone, Senators, Congressmen, Legislators, Governor, U. S. Senators, and that bill passed in the Assembly and failed in the Senate by one vote. I think that this is the coming thing, unlimited campaign expenses are not going to be permitted in America, I think it is coming to an end. Maybe \$6,000 in Clark County is to little. The races I have had in Clark County, \$6,000 as I recall, I spent more than \$6,000, but this bill deals only with the general election not with the primary. So you could spend what you wanted in the primary, but you are still locked in the 6 or 9 thousand dollar limit.

I think there is no way that you or I could deny, having been through it four times now, that it is difficult to raise money, (number one,). The more money you raise the more obligation you have to feel to the person you received the money from. You might not feel compelled to vote for him, if he asked you, but certainly you are not constrained to ignore him. I think that it is a psychological logical fact of life that he who helps you, you are going to help him if you can and violate your own conscience, so I think the less money you have to raise, the better off you are going to be. This bill provides four areas where you are going to have to report; T. V., radio, billboards and newspapers. That probably is 75 to 80 % of all the expenses of the campaign. If these people have to disclose how much was spent then I think you have a pretty good figure on how much was spent in the campaign. There is no penalty on a newspaper for example if they took more than \$6,000 worth of ads for an assemblyman. They have to disclose that

but there is no penalty upon them. There is no penalty if a TV station takes more than \$6,000 worth of commercials, they had to disclose that fact and the candidate himself has to disclose the fact of how much he spent in the general election. One of the things that I adopted from the Utah law was the fact that you had to have somebody who was authorized to represent you in the campaign. My campaign's would be easy because I don't have a campaign manager, so I would have to authorize any add that came out. If I had a campaign manager then I could give the authority to him to authorize the adds. Someone in the Senate said, "well happens if one of my friends goes down or one of my enemies goes down and puts an add in for me, and puts me over the limit, then I am guilty of a misdemeanor, I'm then embarrassed during the next election, because he would say here's a guy that couldn't live within his budget, he cheated, he went over the limit;". This way I know exactly each add that goes to my behalf of the campaign.

Frank Young asked where this was located in the bill

Sen. Close: Section 4, " No newspaper, radio broadcasting company or television broadcasting station shall accept, publish or broadcast and advertisement during a political campaign for any candidate for office unless the advertisement has been authorized in writing by the candidate or his authorized representative. Any newspaper, radio broadcasting station, outdoor advertising company or television broadcasting station that violates this section is guilty of a misdemeanor for each advertisement published or broadcast in violation of this section."

There was committee discussion on who the violator was.

Sen. Close explained to the committee the person excepting the add would know who the representative or the candidate was who would be placing the add. He stated he didn't see any difficulty in doing that.

The only time the TV or the newspapers come up with any problem is if the falsified affidavit is presented, they have a problem, If they disclose how much was spent they have no problem, and they have no responsibility.

Mr. Dreyer asked what this was based on. Utah.

Sen. Close: Utah has a law that was passed in the Assembly and failed by one vote in the Senate, the editorial praised highly the Utah legislature, it said they did a great job, but they have a limit of 25 cents for Senators, Congressmen and all the state offices etc. then they drop down to 10 cents per vote for city offices, but remember that Utah is two or three times larger than here, so when you say 25 cents a vote that can be quite a bit of money.

Sen. Close cont'd

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Mr. Dreyer said he couldn't see the newspaper, TV or radio turning down anything that meant money.

Mr. Close said they didn't have to turn it down, so long as somebody had placed that add that has been authorized to do so.

Mr. Dreyer stated perhaps he wouldn't know, he walks down and puts in an add on for me and I don't know about it.

Mr. Close: That's right too, you wouldn't know except for the fact that the only people authorized to accept an advertisement on the radio or TV is somebody who you do know. I think that this solves the problem of having somebody do this and at the same time put me over the line of my expenditures.

Mr. Prince stated He could see where they could run ballots on the sheet, but what if there were two papers.

Mr. Close : all the news papers have to do is report how many adds they took out.

Mr. Prince: Then it was up to the candidate to keep track

Mr. Young: Where the district boundaries have changed as they will be after this election how do you apply that. the \$9,000 is knowable.

Mr. Close: The candidate would still have the \$9,000 to work with.

Dreyer: Since there would be a 4 senator seat open, county wide; I ran as an assemblyman, Mr. Close said you are limited to what ever was spent in that race, not for what was spent in an office you previously held.

Dreyer; We are talking about a place where there has never a senator, Close said then you have \$9,000.

Mr. Young; straightened out the misunderstanding on the amount of money involved. The bill says you can spend the larger of--\$9,000 or 25 cents a vote. So that means you can at least spend \$9,000.

Mr. Young stated he thought the bill had a "hole big enough for a Mac truck" when you eliminate primaries.

Mr. Close: I agree, Utah for provided 25 cents per vote then they said you can spend under 30 % of your budget, assume \$9,000 is what it would come out to, they would say then you can spend 3,000 in the primary, if you don't spend it though, you can't carry it over to the general. You could only spend \$6,000 in the general, that's how they handled it. That might be a good thing here.

Sen. Close cont'd

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Mr. Young: What's to prevent the media from giving you a package deal in which you put all your money in ahead of the primary, and if you win, they carry on through the general, you gamble, that money is all on the primary,

Mr. Close: I haven't considered that, but I would say that if you ran, if you paid for all your advertisements in the general election, during the primary, or before the general, they would probably have to report how many commercials you had and the cost of those commercials, I don't think it matters when you pay for then I think it matters when the commercials were run. Like I say there are a million problems with this bill

Mr. Young: Haven't you really overlooked the real way to keep down campaign expenses? Single seat districts.

Mr. Close: No I have not, for a very good reason Frank, I think that if I am able to raise 15,000, and run county wide, I think I could raise \$15,000 for a single seat, and if I can raise \$15,000 for a single seat, there is no way in this world that I'm going to be defeated, because if I can be elected with \$15,000 in the entire county with 200,000 voters, I sure can use my money in a way that I'm going to be elected among 25,000 voters.

Mr. Young: We have all seen experiences where the candidates have overspent and been defeated. I just think that if you overspend the voters wonder why.

Mr. Close: But I'm not overspending Frank, because that's exactly what I spent during the last election, I might have spent \$15,000.

Mr. Young: Yes, but you will have a lawn sign on every fifth lawn instead of every, Mr. Close cut in, I would still use radio, TV I would go door to door, mailing. You've got 25,000 people and I have \$15,000 to spend. I raised \$15,000 in the last election, so I presume I could raise the same amount in this election.

Mr. Young: You are dodging the question, because the only the to hold down campaign expenses is not to have to spend it.

Mr. Close: I don't agree Frank, I think that if I can raise as much as I want to raise and I have the ability to raise \$15,000 for a campaign, I'm going to raise \$15,000 for a campaign. I not going to say, well maybe I can get by this year on maybe \$10,000, so when I raise \$10,000 just stop. That isn't the way it is, you continue on, you raise everything you can get, and you spend all you can get, at least that has been my experience, I haven't stopped buying TV advertisements because I had more money in the bank it was probably because I had run out of money.

Sen. Close cont'd

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rather than the other way around. The other argument is, this locks in somebody, it does and it doesn't, If I was a Senator and I could raise \$15,000 as an incumbent senator, and assume that is pretty much the maximum, then how much can I raise as a newcomer? I know when I first ran for the Assembly, I couldn't raise nickle one, and so they say well, you are limiting what a guy can spend, therefore, a newcomer can't compete, can't advertise as much as you are, you are you are presuming in the first instance that he's going to raise as much as you can raise. I think that's not a valid assumption, I think that an incumbent can raise more than a newcomer, unless he is a remarkable person and has a lot of contact somewhere, or he would be spending his own money which a newcomer usually has to do. But I don't think that they are going to spend \$9,000 in the general election for a senate seat, I don't know, \$6,000 in the Assembly, I don't know, Like I said I would not feel badly if the \$6,000 was raised to \$9,000 to make it even. I don't pretend that this is the answer to all the problems, I don't pretend that it doesn't have some flaws in it. But I do think it is a start, there was an editorial in the Las Vegas that I was going to defeat some Senator, Spike Wilson and I went to the U. S. Attorney's office together, he's my good friend, and he's a democrat out of Washoe, and they have the same problems as the Republicans in Clark, I have no more desire to defeat Spike Wilson than I have to defeat Chic Heck, I don't know is the newspaper didn't like the idea that I put the darn thing in because it might knock out some of the regulars, it's a probability, or what, that is not my intent, I am not trying to defeat Chic and I am not trying to defeat Spike, I think that this is coming legislation and I think it is good legislation, and I think that people of America are going to get tired of having back to back, to back ect. television commercials. I think that politician should not be compeled to go out and hustle money in large sums every couple of years. I think that is bad politics and bad political science.

Dreyer: What is your feelings for 6 years for senators and four years for Assemblymen?

Close: When I was in the Assembly I was sure for it. That was the reason I ran for the Senate, now I find I'm gonna have to run again in two years.

Mrs. Frazzini: How are you going to enforce it,

Mr. Close: It could be very simple, if it comes out that I for example, spent \$12,000 in the general election, first of all I would look like a dope, because I spent \$12,000 in four areas that are easily accountable, I run next year and my apponent says look at Mel Close he cheats during the campaign election, now he knows how much he is suppose to spend, and he knows very well how many advertisements

were purchased on his behalf, because his representative signed for every one of them. Number two there is a misdemeanor staring me in the face, If I had the Utah law earlier I could have done a better job of this bill because they provided suits etc. misdemeanor means something the District Attorney does to enforce it. But I don't think you will have many problems, maybe the first time you will, but the second time I guarantee you nobody is going to campaign and exceed the limits that is authorized. Now you can cheat, you can squeeze here and there and you may buy some lumber etc. but I think the four areas reporting, you are going to have the majority of your campaign expenses limited and you are going to be locked in to what you can logically spend someplace else.

Mrs. White: I think you are going to get a lot unsolicited and unfavorable publicity, because your enemies will say you spent more than you spent because there is no way to correct it once it is put in the paper.

Mr. Close: Believe me Juanita, people are not going to spend deliberately I don't think, more than they are authorized to spend. He cannot say this until the election is over, then it is too late, because the report does not come in until the election is over. He can say it next year, but presumably he is going to say that I spent \$8,999 which is permissible, there is nothing wrong with that, and anybody that thinks that I don't spend money on a campaign is out of their head, either that or they're not watching my ads on TV etc. campaigns are expensive, and they are getting more expensive. Roughly \$1.50 per second for TV time, anyone who that a campaign that comes on for free, you don't have to go out and raise money from the source we know darn well we all have are either blind or stupid.

Mrs. White; I don't have that source.

Mr. Close: I do, I didn't have the first time I ran, but believe me those sources are available in the larger districts maybe not in yours Juanita,

Mrs. Frazzini: We will not take any action on this right now. Art Palmer is with us and so I'm going to turn the meeting over to Frank and we'll take one more meeting on this because there is not much to do.

Art Palmer: You have a Senate District on top of two Assembly Districts. We might spend just a few minutes now looking at what the maps look like in carrying that out by way of anticipating some of the problems we might have if we go along with the Senate, or what the possibilities are.

Frank Young: Do you have some of those maps with you?

Palmer: there are maps in the back that are all labeled in the upper left-hand corner. The last eight maps run with an over-all disparity with anywhere from 7.8, that is the first one. The percentage of disparity increases as you flip through these maps. The first one with the 7.8 is the closest we can take a 20 Seat Senate, which would develop four rural county districts in keeping the whole County lines without breaking on townships or using enumerative districts. That's the distribution you have. Unfortunately, that 7.8, while it is mathematically acceptable, it may not be politically acceptable, due chiefly to the fact that Elko and White Pine do not want to be consolidated into one district. The next one goes up to 12.7 disparity and there again you have Elko and White Pine grouped together. This time Eureka is in that district which makes it a little more logic as far as White Pine is concerned.

Then the next one, 13.4, while that is mathematically quite acceptable, you will notice that it is almost a gerrymander type, a mathematical gerrymander. Stretching all the way from Humboldt clear down to Nye and Lincoln, through Battle Mountain. If it works it holds the county lines--still it isn't very reasonable. The one following that at 14.4, I understand has some exceptions due chiefly to the fact you group the three rural agricultural counties along the Humboldt River--Elko, Humboldt and Pershing in one district. It just so happens that the counties that fall in based on Nye--Lander, Eureka, Esmeralda, Nye, White Pine, Lincoln--are all principally and primarily mining counties. It does throw Mineral County in with Churchill. That doesn't make too much sense. The western portion of Lyon and Churchill are together now in the Senate district. This would add Mineral to it. Which admittedly--every plan has something staring you in the face that isn't exactly nice. We can alleviate that situation some what by putting Churchill, Lyon and going across U.S. 50 to Austin and Eureka, pulling in Lander and Eureka. But actually the center of population in Lander County is in the North--in Elko, Winnemucca and Battle Mountain. There isn't much at Austin, but the county seat. The grouping there surrounding Nye is reasonable.

Then going on to the next one. There is a way of pulling Lander and Eureka into the Humboldt-Elko district and throwing Pershing in with Churchill and Lyon. Another way of going at it probably fairly modular and putting Mineral in with the mining counties. But again, your disparity is starting to get pretty high up towards 18 %. There is another districting that comes up with the same disparity, just by switching Lander back down with

with Churchill and Lyon and leaving Eureka in with Elko and Humboldt and Pershing. This satisfies the breaking apart of Mineral from Churchill, which helps with lower disparity.

I only carried one step farther - up to 20%. Again, Mineral Churchill and Lyon together and of course the old bugaboo of Elko and White Pine back again. I believe that these are all of the possible combinations, holding county lines and rural areas below roughly 20%.

I didn't do it just hit and miss - I used the system. We haven't checked the computer - it isn't programmed quite for this type of an operation.

Frank Young: Can we go back and look at the eight Assembly districts - you have several eight Assembly districts. We might look at those and think in terms of combining. There is one with the three in the lower left-hand corner.

Palmer: That is the first one that shows eight rural county assembly seats. The disparity starts to generate there in Elko County, holding to a whole county because your average district numbers starts to fall as you go from 38 to 42 etc. The average district number keeps becoming smaller and its harder therefore to hold on to a whole county. If you go past 40 you actually have to split Elko County. There, it does go throw Lyon, Storey Carson City and Douglas together with three at large, which I haven't tried to break down, because it doesn't break down along county lines.

Young: Assuming that you go single seats - I don't think these people would want to run at large.

Palmer: I don't think they would want to if they can run as they have been running now, (with Douglas and Carson City together, you generate a district of 22,000, which would be 11 to 11,000. You split that in half. So you could have two running at large between Douglas and Carson, or even break that down. That created the situation where you can come way down on your disparity--cut it in half, by splitting Elko County and splitting Lyon County and splitting Mineral County. There is something that should be remembered here as far as mathematics is concerned. As you add members to the Assembly, you have a harder time holding the county lines, because you are dealing with a smaller average district and then you have to start to break on township lines. I think about 36 of the last point you have and going on beyond that you really have to break. At 36 we had to break Lyon County in half.

Dreyer: No one, did you recall what the figures were time you were taking a poll? And also this morning at the Assembly Caucus. It ran 2 to 1--narrowing it down to 40 or 45, and at the time they mentioned that Grover Swallow had a 44 arrangement seat that was workable to all people concerned. But it ran 2 to 1 of those present that they would rather 45 seat than a 40.

Mr. Young: I'm glad you asked the question. People were able to vote for more than one figure, some did, some didn't.

Mr. Young read the poll to the committee.

Barbara and I checked yesterday the individuals that had checked 40 or above was 29, so if you want to say those that wanted to down as apposed to those who wanted to stay at 40 or go above it was 21 to 29.

Mr. Dreyer: Apparently those are the two numbers 41,42,43, now this is just one side.

Mrs. Frazzini: Did you find that your small county people going to the higher number?

Mr. Prince: No, they were reluctant to go to the higher number they would rather stay at 36, but if that was out the majority of them rather go 40.

Mr. Swallow explained to the committee the details of the map he had come up with on a 44 seat Assembly. He said he had tried to work out a 45 seat and it was just an impossibility. He said it was thinking of it from a rural county view but it also solves urban area problems too. One in favor of this, the disparity is good in this arrangement, you don't hurt Clark in this arrangement. Two, there is a better representation in this for the rural areas, Washoe loses nothing, they have the edge on disparity, as you can see (the map is attached) at this point and Clark would have had 25 seats, but with removing the 2,000 votes from this county this is where the extra seat goes, so Clark would actually still have control, they would not be hurt. One of the nicest things about this is that not only does it hold to county lines but, we have missed county lines in a spot or so. This gives equal opportunity for both parties, and this should make them happy, the Elko district for example, which would have one democrat and one republican running against each other, Down in Lander and Mineral it would be two democrats against each other. Down in Lincoln County you would have two republicans, so far as politica expedient all should be happy. In this particular arrangement that doesn't put 3 assemblyman in any district pitted against each other and I know of no other arrangement that would be this fair and equal So in general I think this presents a very good arrangement for all parties concerned and the rural areas could pick up one assemblyman which would give them a better representation, the way I figure it, than a 36 representation from an overall state plan. So it does have merit.

Mr. Young asked Mr. Swallow if he saw any problem adding two to make a senate seats?

Mr. Swallow: It isn't a must, as I told you last night, that it is a 22 senate seat. Art would have to answer that question. But there is no reason why the Assembly couldn't have this and the Senate have 20. According to the law, it is legal.

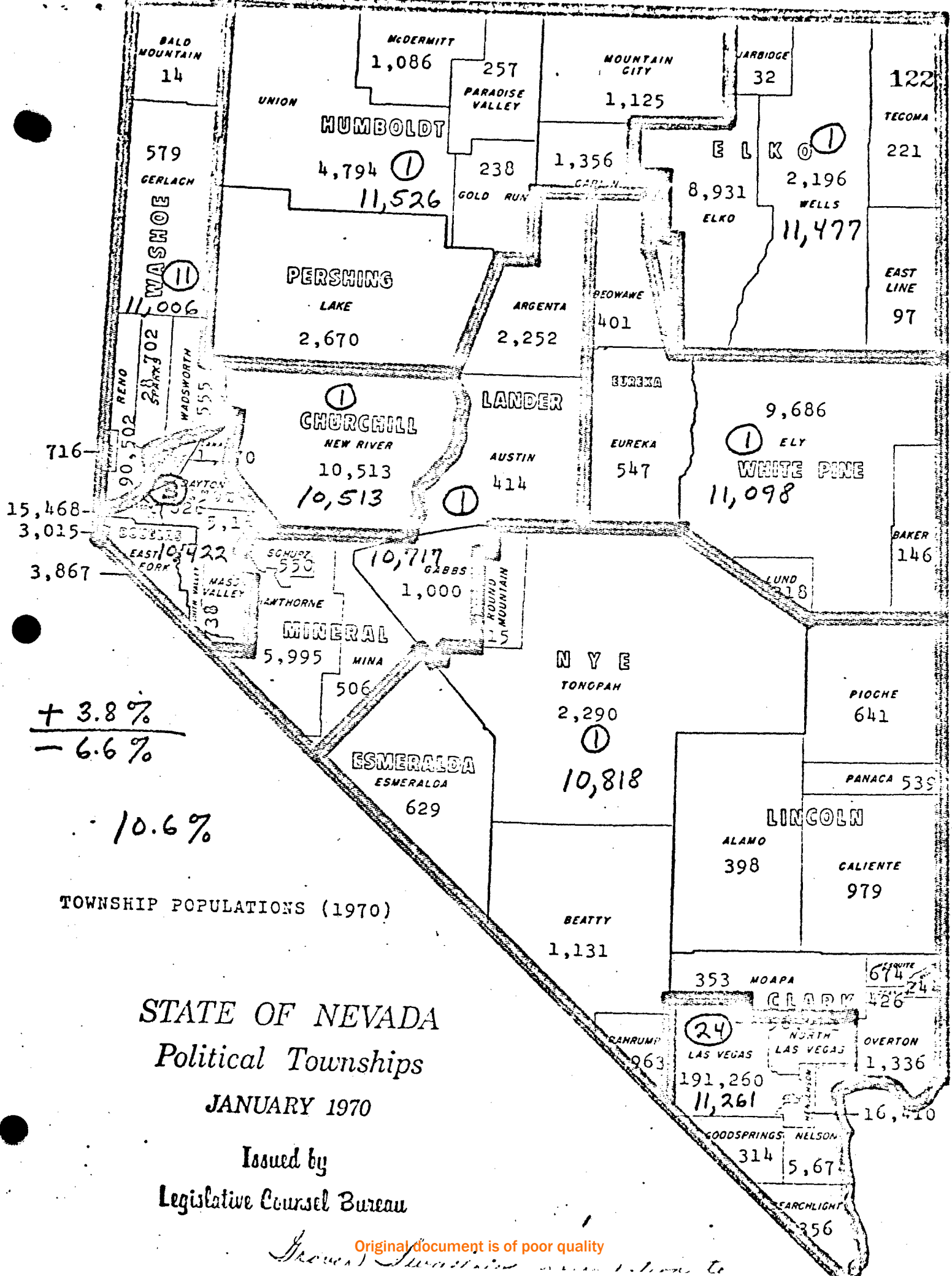
There would be a ballot problem if it wasn't half the assembly.

Meeting adjourned at 9:10 a.m.

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There will be a meeting April 7, 1971 in room 336.

Smithers.



+ 3.8 %
 - 6.6 %

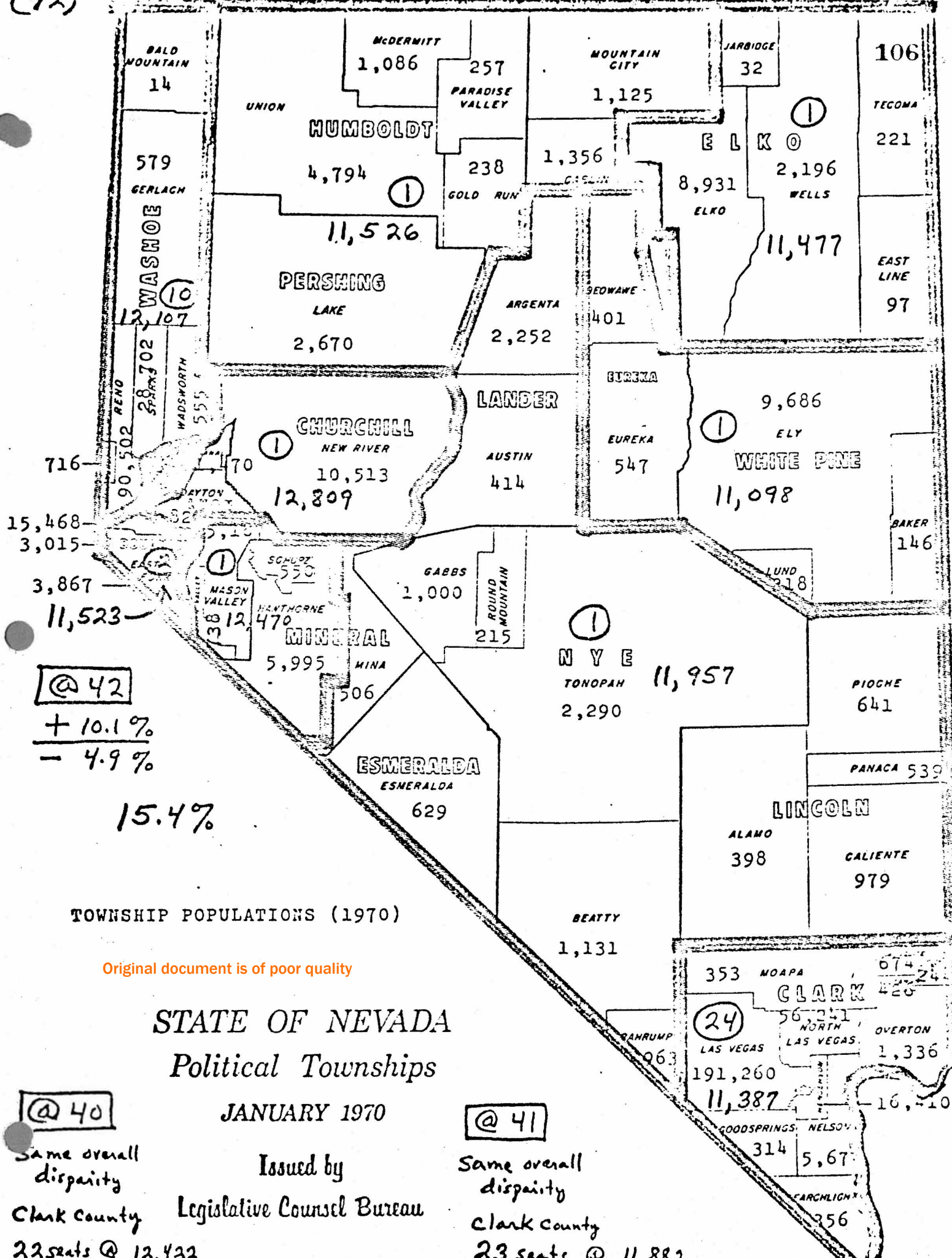
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TOWNSHIP POPULATIONS (1970)

STATE OF NEVADA
 Political Townships
 JANUARY 1970

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 Legislative Counsel Bureau

(7)



TOWNSHIP POPULATIONS (1970)

Original document is of poor quality

STATE OF NEVADA Political Townships

JANUARY 1970

Issued by

Legislative Counsel Bureau

@ 40

Same overall disparity

Clark County
22 seats @ 12,422

@ 41

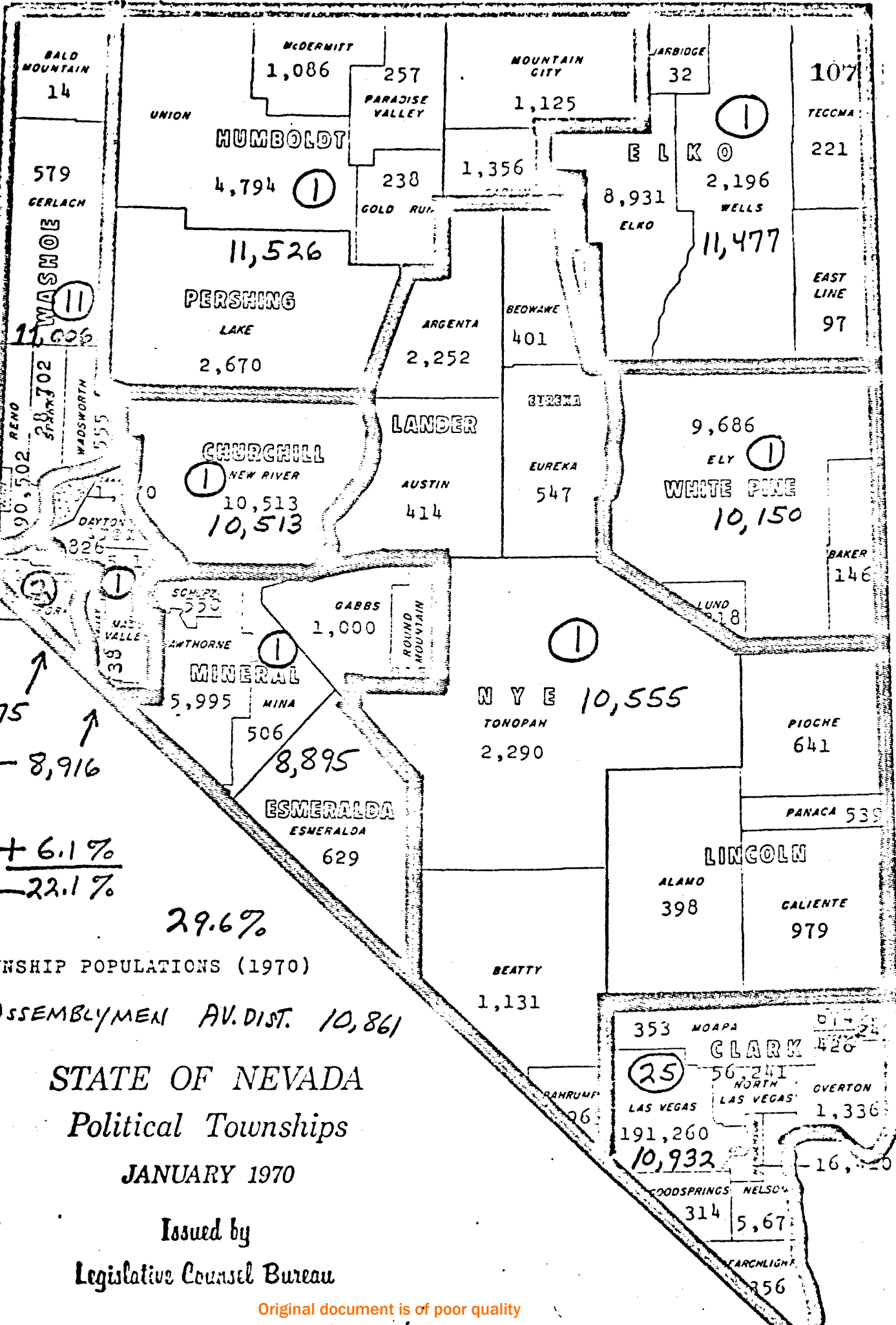
Same overall disparity

Clark County
23 seats @ 11,882

@ 42

+ 10.1%
- 4.9%

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TOWNSHIP POPULATIONS (1970)

(45) ASSEMBLYMEN AV. DIST. 10,861

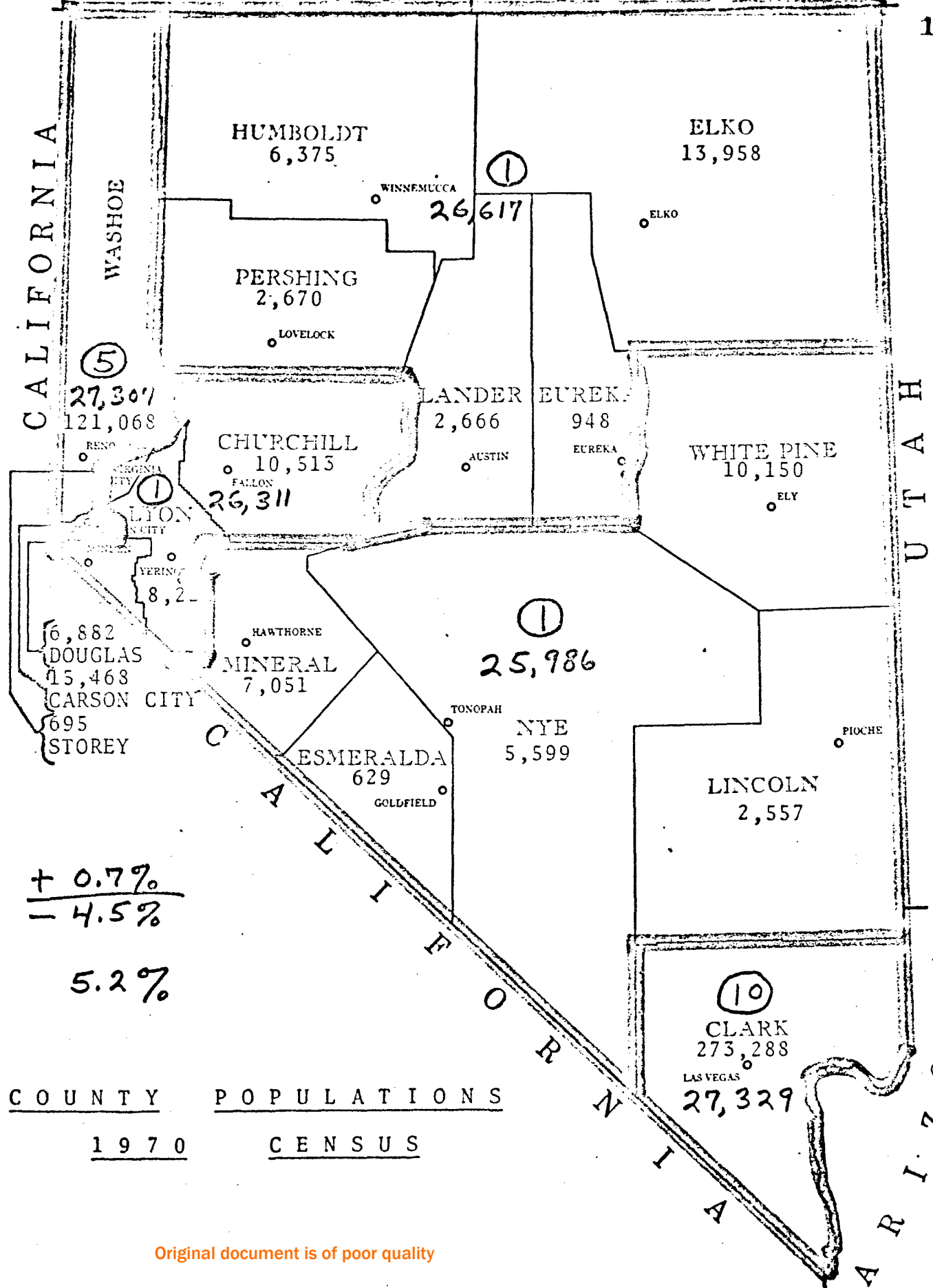
STATE OF NEVADA
 Political Townships
 JANUARY 1970

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+6.1%
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O R E G O N I D A H O



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COUNTY	POPULATIONS
	1970 CENSUS

O R E G O N I D A H O

109

CALIFORNIA

WASHOE

(11)

11,006

121,068

RENO

GEORGETOWN

WENDEN

YUBA

FALCON

WADSWORTH

WYOMING

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ELKO
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WINNEMUCCA

ELKO

PERSHING
2,670

LOVELOCK

LANDER
2,666

AUSTIN

EUREKA
948

EUREKA

(1)

WHITE PINE
10,150

ELY

10,150

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CHURCHILL
10,515

FALCON

9,715

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9,725

11,175

8,221

16,582

DOUGLAS

15,468

CARSON CITY

695

STOREY

HAWTHORNE

MINERAL
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TONOPAH

NYE
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ESMERALDA
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GOLDFIELD

PIOCHE

LINCOLN
2,557

+ 5.99%
- 11.8%

18.4%

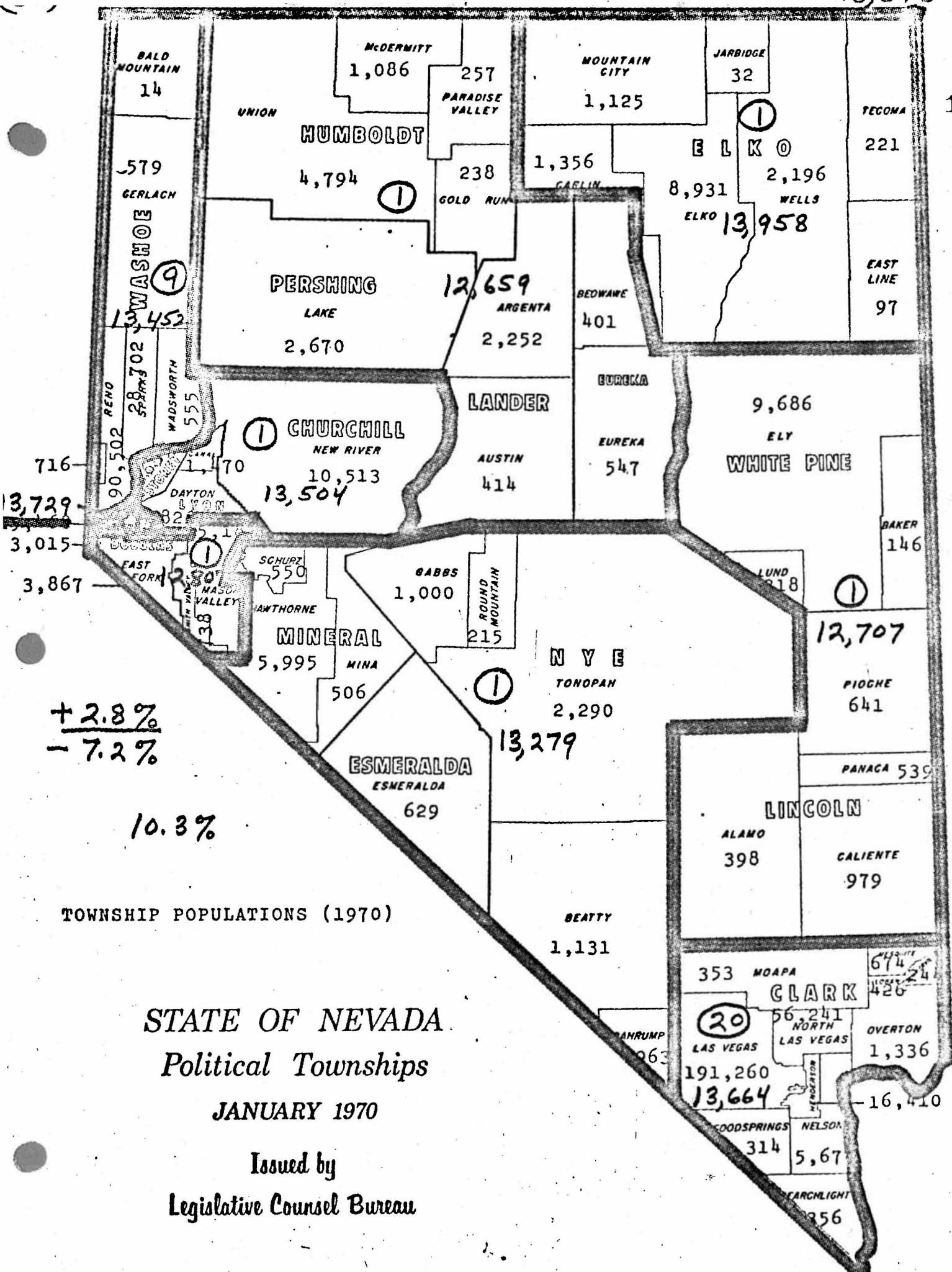
COUNTY POPULATIONS
1970 CENSUS

Norman Ty Hilbrecht

Original document is of poor quality

UTAH

ARIZONA



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