

MINUTES OF APRIL 7, 1971

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

GUEST: Art Palmer, Legislative Counsel Bureau.

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

The first order of business before the committee was:

SB 291: Increases period for candidates to change political party affiliation prior to primary election.

There has been prior committee discussion on this bill. There is an Indefinite Postponement on it and;

There was 6 of the committee voted to bring it back from IP, AND 4 members wanted an amendment, Chairman Frazzini asked for an amendment, "as of January 1 in an election year" there was committee discussion on the amendment as to whether it should be even number year, the amendment stayed as it was proposed.

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

Testimony was given by Zel Lowman regarding this bill on April 6, 1971.

The committee voted 6 no and 1 yes; this bill is Indefinitely postponed.

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

There was testimony by Senator Close on this bill April 6, 1971.

There was 1 yes vote and 6 no, this bill is Indefinitely Postponed.

AB 736: Changes and limits terms of regents and changes board composition.

Mr. Young stated that the only rational for delaying the two bills 736,737, would be if the committee thought the 18-36 seat legislative districting plan goes through,

he didn't think it would, politically it will not go over. Mr. Young wanted the committee to consider the two bills and get them moving. The two bills have merit and something should be done with them now.

AB 736 was worked out primarily by Mr. Young and Mrs. White. It changes the term of the Board of Regents to six years which Mrs. White and Mr. Ronzone liked. The bill is arranged so that no incumbent is "booted" out before the end of the term to which he has been elected. It is arranged so that once you get on the six year cycle there are three regents being elected every two years, somewhat balanced around the state. It has 5 from the Clark County districts, 2 from Washoe, and 2 from the balance of the state. Mr. Prince wanted to know if this worked on the reapportionment. Mr. Young answered yes it did. Clark County has 55.8%, it has one regent from each County Commissioner district with 5 County Commissioner districts, we would assume will eventually come into equality, and they have to, Art is presently working on the legal opinions, Mr. Art Palmer stated they would probably be done over the weekend.

Mr. Young said there was nothing that would keep an amendment off this bill even at a later date, if we should go to some other arrangement on the County Commissioners. Frankly, it will stand on it's own if we do redistrict the County Commissioners then the regents will be elected from those five equal districts anyway.

Mr. Dreyer had a question on page 2, section 6 and 7, no member of the Board of Regents may be elected to such office more than twice; we very conceivably could lose one or two good people, especially in Section 7, where it says no person who has been a member of the board of regents at any time prior to the effective date of this act may be elected to the office again for a full six year term, more than once. There are some two and four year terms in the bill, which was pointed out by Mr. Young, that gets you unstrained. Mrs. Frazzini pointed out the people who served maybe ten years ago wanted to run again, you are limiting those people to one six year term.

Mr. Young wanted to know if an amendment was suggested. There was committee discussion at this point.

Mrs. White stated that she and Mr. Ronzone had indicated that previously by asking for bills that the terms should be limited to twelve years.

Mr. Young stated he would prefer to amend it.

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Miss Foote stated she did not like to see any office limited including President, Governor etc.

Mr. Prince agreed with the limitation.

Mr. Young brought another feature in this bill that Mr. Prince should know about, right now the three regents representing the rural counties, run at large in those counties, This bill has the Secretary of State divide those 15 counties into two equal population areas and you run only within that area. Mr. Young felt that was good for the rural counties.

MR. DREYER MOVED A DO PASS, SECONDED AND MOTION CARRIED.
ON AB 736:

AB 737:Limits terms of members of state board of education and changes board composition.

Mr. Young had a number of amendments to this bill; This is a four year plan, we cannot, it turns out by our constitution, we cannot establish terms for more than four years for any office created by statute.

Mr. Young presented the amendments, the bill was defective in that; with regard to the State Board of Education, we've had an election take place as a result of Court decisions, we need in the statute to Hless the election that has taken place that is contrary to our pre-existing statute. This amendment does that; quote "on July 1, '71 the State Board of Education shall be composed of 7 members elected at the general election in 1970 and 2 representative of labor and agriculture appointed by the elected members of the Board pursuant to law, the terms of the appointed members shall expire January 1, '73, if a vacancy occurs in the office of the appointive member between July 1, '71 and January 1, '73 the elected members shall fill the vacancy by the appointment of a new member without regard to representation of labor or agriculture for the remainder of the unexpired term but not beyond January 1, '73"

" On Section 1, page 1, line 12, there was an error there, it should be January 1, '72
Line 14, should say January 1, '73;
Mr. Young will get the amendment on the above.

Mr. Young read the proposed amendment; amend Section 1, page 1, by deleting line 16 and 17 and inserting (he had already the January 1, '73 protion up above up above as you notice, so it did not need be repeated,

then amend Section 1, page 1, line 18, by deleting 3 and inserting 4, then amend section 1 page 2 by inserting between 15 and 16, if a vacancy occurs on a state board of education from among the elected members, the Governor shall appoint a member, (Mr. Young stated this was another defect in the bill, We had no way of filling a vacancy of an elected member.) to fill the vacancy until the next general election, at which election a member shall be chosen for the balance of the unexpired term.

MR. PRINCE MOVED FOR AN AMENDMENT AND DO PASS ON THIS BILL, SECONDED, MOTION CARRIED. AB 737:

[proposed amendment by Mr. Lauri, Amend Sec.1, page 1, line 4, by inserting "lay" before "members"; amend section 1, page 2, by inserting after line 20:

- "9. No person who is employed as a teacher or as an administrator of any county school district may be elected to such office."

Amendment number 3293; Mr. Lauri moved amend and do Pass in addition to the above amendment on AB 737 second, motion carried. This will be a committee amendment.

The record will show Mrs. White and Mrs. Frazzini was apposed to Sec 9; No person who is employed as as teacher or as an administrator of any county school district may be elected to such office.

REAPPORTIONMENT

There was discussion by the Committee about arriving at a workable number for assembly and "get off the dime".

Mr. Young suggested a new wording for AR 27, perhaps this could be made into an amendment for the committee of the whole, Mr. Young read the amendment to the committee, " The standing committee on Elections is until further authorized only a 36 and 40 arrangement for the assembly, and develop plans of the 36 and 40 units from which single seat or larger districts may be created."

Mr. Young suggested new wording changing the number of seats, 20 Seante and 40 Assembly.

The Committee disagreed and it was changed to; omit the Senate seat number, and set the assembly at; ranging from 40 to 45.

Mr. Swallow 's map showing 44 seats was discussed and it was decided that it could perhaps be worked in at a later date.

Miss Foote stated her opinion of Mr. Swallow's 44 seat arrangement has pointed out something we have talked about, which is the community of interests, and when he put the more rural areas of Clark County in one district, to me that was a step toward at the community of interest, Mr. Lauri agreed with Miss Foote, he said they were trying to stay with county lines, and he said if you could do that it would be ideal, but county lines don't necessarily mean community of interest.

Mr. Young asked the committee would like to have Mr. Swallow's plan developed more. There was committee discussion and Mr. Lauri stated couldn't "we" require the cities and counties to fix by ordinances some number that would be compatible with the overall reapportionment plan. There was further committee discussion on the matter.

Mr. Young asked Mr. Palmer what problems would arise if there was a 45 seat assembly and a 20 seat senate.

Mr. Palmer said no particular problem, if there is any interest in trying to make two assembly district fit a senate district it would depend entirely on how the Senators arrange their 20 seat senate, particularly in the rural districting. You might come relatively close, but you could be scattered all over the map. There was committee discussion on having a senator run at large, which is not practical for Court decisions, some other states have done this, but they are facing the problem.

AR 27: Mrs. Frazzini moved to amend and present it to the committee of the whole, seconded, motion carried.

ACR talks of elections committee and government as the same; Will also be presented to the committee as a whole.

Meeting adjourned at 9:00 a.m.

smithers

4 to pass
the bill
2/3 or 5 to
reconsider

At the regular meeting scheduled by Assembly leadership after opening of the Legislative Session, the committee chairman names a vice chairman and a clerk and proposes for committee consideration any desired rules not adopted by the Assembly. A quorum of the committee is a majority of its members. The quorum may ~~transact business and a majority of the~~ quorum may take action even if the actual member voting is a minority of the committee.

DUTIES OF OFFICERS

Principal duties of the chairman are to

- (1) Call the committee together at the regular appointed or any other appropriate time and place to transact committee business.
- (2) Arrange for appropriate meeting notices
- (3) Preside at committee meetings and put all questions
- (4) Maintain order and decide questions of order
- (5) Require that minutes be kept of all committee proceedings and supervise clerical and legal activities for the committee
- (6) Prepare agenda for committee meetings
- (7) Prepare committee reports and submit them to the Assembly
- (8) Maintain custody and insure the security of bills, resolutions and other papers and documents referred or submitted to the committee and transmit them to the Chief Clerk of the Assembly within 48 hours of committee action.

omit {

In the absence of the chairman, the vice chairman of the committee has and exercises the powers, responsibilities, functions and duties of the chairman. In the absence of both the chairman and vice chairman, these powers and duties are vested in an acting chairman named by the majority floor leader unless an acting chairman has been previously selected by the chairman.

Under supervision of the committee chairman the clerk is responsible for keep a complete record of committee proceedings including time and place of each meeting attendance and absence of members, names of all persons appearing before the committee and the names of persons, firms, corporations and associations they rep-

resent, the subjects or measures considered, actions taken by the committee, a record of individual voting, completed committee reports and for other duties specified by the chairman. Minutes are acted upon at the next regular meeting of the committee and are subject to correction and approval only by a majority of the quorum assembled except for the last meeting of the Legislative Session which approval may be by individual contact by the chairman. The clerk takes to each meeting or hearing sufficient copies of bills being considered, if available, for the use of all persons attending.

DUTIES OF MEMBERS

Committee members, including the chairman, may participate freely in committee discussions and debate, make and second motions and assert points of order and privilege, subject to rules of parliamentary procedure set forth in Mason's Manual of Legislative Procedure. In hearings and other formal proceedings, a committee member may question or comment to a witness through the committee chairman.

It is the duty of committee members to attend and participate in all committee meetings. If unable to do so, he should notify the chairman or clerk in advance, indicating where he can be reached if needed. Continued unexcused absences must be reported to Assembly leadership for action.

A member may resign from the committee by submitting his resignation in writing to the committee chairman.

No member of the committee may vote by proxy under any circumstances. No member may vote on a question in committee where his private right or interest, distinct from the public interest, is immediately concerned.

Disciplinary action against a committee member may be taken by the committee chairman in concert with the Speaker of the Assembly and the majority or minority floor leader, as appropriate.

COMMITTEE PROCEDURE

All committee meetings except those designated as "executive session" are open to the public and public hearings may be held on any matter before the committee.

The chairman will schedule meetings and hearings each legislative day for at least the eighth day ahead. (For example: On Monday he will give to each committee member, post on a public bulletin board in Assembly Chambers and send by mail to those persons and organizations he believes interested an agenda of all matters to be considered by the committee on the following Monday.) Matter for consideration may be arranged systematically in order of importance, order of reference, order in which testimony is available or by other pre-arrangement. Measures may be considered out of order as the chairman finds necessary.

The chairman notifies in advance the introducers (in either Assembly or Senate of bills to be considered by the committee of the time and place of consideration of the measure and offers them opportunity to testify. Witnesses with long testimony on matters before the committee may be encouraged to present their information in writing and make oral summary limited to five minutes before the committee.

Subcommittees made up of committee members may be appointed by the chairman to consider and report back on specific subjects or bills. Rules governing the committee govern also its subcommittees.

Decisions of the committee are made after witnesses have spoken, been questioned and are excused. Committee reports are adopted at a committee meeting actually assembled with a quorum present. A Minority report may be filed with the Chief Clerk of the Assembly at the same time the majority report is submitted. A minority report is signed by each dissenting member present when the vote was taken.

Within 48 hours after committee action on any matter referred to it, the chairman must report this action to the Chief Clerk of the assembly. At any time prior to reporting of a matter back to the Assembly, the committee may reconsider its previous action. All official bills must be returned to the Chief Clerk of the Assembly at the time the chairman makes his report.

If the chairman fails to call a meeting upon request of a committee member, a majority of the committee may order a special meeting and in the absence of the chairman and vice chairman designate an acting chairman and conduct business, provided a quorum is present.

All minutes, records and documents in the possession of the committee and the chairman are filed with the Legislative Counsel immediately prior to adjournment sine die.

PUBLIC HEARINGS

Provision is made for public hearings on important bills and other matters of high public interest in a place with adequate facilities for all who wish to attend. Advance notice states time and place of the hearing and identifies subject matter under consideration. Sufficient copies of the bill and other printed matter to be considered are available for use of committee members and others attending. Presence of a quorum of the committee is desirable but not required.

Public hearings are opened by the chairman who calls to order committee members and others attending promptly at the scheduled hour. He announces the bill number and title or other matter which is the subject of the hearing, and points out that applause is not permitted. If so requested by a committee member, he may read or summarize the bill or other matter under consideration or have it done.

After opening the hearing, the chairman inquires whether anyone present wishes to be heard in favor of the bill or other matter being considered. These persons arise in an order determined by the chairman, address the chair, furnish their name, addresses, firms or other organizations represented and then address the committee on the subject. As each completes his remarks the chairman gives committee members opportunity for questions. If any wish to use this opportunity, they address the chair for permission and then question the witness. The chairman maintains supervision of the questioning to avoid debate or argument between committee members and witnesses. Questions from other than committee members are not in order and are not allowed.

After all persons wishing to be heard in favor of the matter have been heard the chairman inquires whether there are those present wishing to be heard in opposition. Any such are heard in the same manner as the proponents with similar opportunity for questioning by committee members.

The chairman is especially careful throughout the hearings that he is fair ⁹⁴ and impartial to both sides as the cases are presented. When all have been heard, the chairman declares the public hearings closed on the matter before proceeding to other matters.

ELECTIONS COMMITTEE: LIST OF BILLS, NO ACTION TAKEN AS OF MARCH 26

AB 426: Adopts extensive provisions relating to voting machines
(Introduce, amend and Do Pass)

AB 736: Changes and limits terms of regents and changes board
compositions.

AB 737: Limits terms of members of state board of education and
changes board composition.

AB 770: Provides for additional school trustees in Clark County.

SB 264: Provides for revote where voting machine malfunctions.

Quote

Section 14:

Since you have not had time to work on let's of last week may I without being considered a presumptuous rule make an announcement on 10/26. We should be grateful to Mr. Brewer for introducing this bill. There are several good points in it that we need.

For every we once had this whole thing in our law and now it has been changed to our terminology and some of it retained or some of it changed. Perhaps it is better to add the parts we need to what we now have already.

It is on that basis that I add the following:

Sec 3 Definitions

Ballot Label is already in our law

Sec 4 Clerk.. our law says election board officer but does not contain this one. Our definition of the election board clerk is 293.010 I think following that one we should include this one: County Clerk; County clerk (as per local utility's suggestion) or other officer municipality having charge of elections in any county or city in the state.

Sec 5 Commission means state commission add this

Sec 6 Commissioner member of commission add this

Sec 7 Counters add this

Sec 8 Diagram means sample ballot... we have this 015

Sec 9 Irregular ballot.. not for us this refers to write ins omit

Sec 10 Model.. model of machine We have this in 037

Sec 11 Public counter.. we have this in 083 Protective counter and 085 Public counter so omit sec 11

Sec 12 Statement of votes cast we have this in 110 omit this

Sec 13 Vote indicator .. we have this in 120 so omit this

Sec 14 Voting machine booth... we have this in 123

Sec 15 Doesn't seem to fit done the way I have done it... *approved*

Sec 16-17-18 sec. to be absorbed by our existing law.

Sec 19- 20-etc thru 33 set up a voting machine commission to inspect machines and vote tabulating devices.. I think we need this. I would prefer to see the word "shall" be used in most cases where this law says "may"

I don't quite understand sec 34. We use voting machines for certain absent ballots and this timing is far too late.

Sec 31 the commission shall not approve any voting machine unless it fulfills the requirements etc

Our law has 293.470.. Only voting machine or devices approved by the secretary of state may be used in any general or primary election.

Why can't we drop 470 and keep sec 35

In our law we have 293.473 with fourteen sections we have sec § 36 thru 49 more or less verbatim.

Sec 39 I do not find in our law

Sec 51 ~~unlike~~ see to be covered by by our sections 475 ~~and 477~~.

Sec 52 seems a little complicated and our law covers a b and c of section 52 in 477 but not the first part of it.

Section 53 onward thru 59 make sense.

Sec 70 doesn't fit if machines are to be used for absent ballot.

Sec 71 Our law 293 203 sets an earlier date 1st Wed in July.

and I think it is better.. this is in relation to enlarging or combining precincts.. our section 215 seems to refer to where people vote and I don't know whether it is necessary or not.

Sec 77 Before preparing a voting machine for any (general) election is verbatim in 293.173 in our law in sec 1. Let's clean up the grammar in sec 2...!

- a) the number of each machine
 - b) that the public counter is set at zero
 - c) the number on the protective counter and on the seal.
- add
- d) that the ballot labels are in the proper arrangement and securely in place (to be have been known to be just enough off center that they are hard to read.)

Sec 83. thru 87 is covered by our 293.237. I would like to add

specification on the training of voting machine board or any board.

a) all voters working have the opportunity to go that the entire process and the payment for a ballot to the vote.

b) all voting machine operators have the opportunity to handle and read the machine

a) all workers have to be told of their responsibility to maintain an orderly election

d) all workers be informed on the proper way to tabulate the vote.

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The 10... is not the way to do it. In Washoe the materials are delivered by the sheriff in the fall.

The following sections are good but in need of a lot of work. Sec 94 and 99 talk about checking machines... I have often wondered what they do if the machines are not in order. Will this be a legal instruction.

Also in the matter of election boards there should be no immediate relatives of candidates.

Skip sec 121. Add only lawfully authorized persons may handle the machines on election day. The county clerk shall provide identification for these people. Marked jobs.

This could be added in our 600 with penalty therefor.

~~I am not interested and don't want to talk about this. It is all done in the...~~

I sum this up--- a good part of this was in our law.. I think it is TERRIBLY WORDY and I suspect that after the officials found out how to do it they just cut most of it out. Considering the cost of printing etc it would never be included in the parts of 293 that are printed by the state and frankly with so many other places to spend money I think this should be refined. Any refinement must of necessity be done with the aid of the voter people from the big counties.. but with outside advice to be sure it is all there.

But somehow I think we should keep and pass the part of the voting machine commission.. There must be something about responsibility and for administration and enforcement.

I am curious about the statement in the official returns of the general election 1970 that due to the form of machine print outs

in Clark County precinct if users could not be prepared for
printing in this pamphlet (see page two.. notice by John
Reents..... what does this mean.. and what machine does it refer
to... should this be under requirements for machines?

ALSO I wonder if this commission should not also be responsible
for setting performance requirements for devices used to
COUNT votes as in Camden.

God but I'm glad I've got on your committee this takes a hellava
lot of work.. and I hope I have not with my inevitable typing
given you any wrong references.

~~Law~~ ~~to~~ ALL

Eric Humphrey

P.S. on my way in a few minutes - I'm going to try to
put the essentials of the commission into a couple of
paragraphs - at least some short sentences so it
doesn't last so long -