

NEVADA LEGISLATURE
ASSEMBLY

116

57TH SESSION

COMMITTEE ON ELECTIONS
MINUTES

DATE: Thursday, March 1, 1973

ATTENDEES: Foote, Chairman
Gojack, Vice Chairman
Crawford
Ford
Huff
Smith
Vergiels

ABSENCES: None

	<u>NAME</u>	<u>ORGANIZATION REPRESENTED</u>
GUESTS:	Sue Morrow	Nevada Appeal
	Homer Rodriguez	Carson City Assessor
	Dr. E. M. Scrivner	Mayor, Carson City
	A. E. Bud Miller	Chairman, C.C. Republican Cent. Comm
	Robt. Warren	Nev. Municipal Assn., Carson
	Roy G. Bankopier	City of Reno
	Roben M. Bagich	City of Reno
	John Ross	Assemblyman Glover
	Lee Adler	Journal
	Les Berkson	Incline Village G.I.D.
	Carol Brenenberger	League of Women Voters
	Henry Eichenmendy	Carson City
	Mrs. Henry Eichenmendy	
	John Koontz	Carson City
	John Meder	Nevada Assoc. of County Commissioner
	Alan Glover	Assemblyman
	David Howard	Washoe County

Meeting was called to order at 4:15 by Chairman Foote.

1. AB 11

Mr. Roy Bankopier of the City of Reno, introduced Mr. Roben M. Bagich, City Clerk of the City of Reno.

Mr. Bagich: I would like to direct the committee's attention to Section 8, which would amend the present statutes, which makes it permissible for the city council or other governing body of the city to publish a list of registered voters, from permissible to mandatory. On behalf of the City of Reno and with instructions of the City Counsel, I am appearing here to make you aware of their concern and objection for the primary reason of the cost involved. We recently received a certified number of registered voters on the City of Reno from the County Clerk of 38,807 voters at a cost of 15¢ per name, a published list would cost \$5821.05 and if we understand the bill (for both primary and general elections) the cost would double since we have one prior to the primary and one prior to the

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general, which would make it in excess of \$11,000. The City Clerk of Sparks called me today and expressed her concern and asked me to speak in behalf of the City of Sparks if she could not attend. Since she is not here, I am speaking on behalf of the City of Sparks and the City of Reno. We would appreciate your consideration to delete Section 8 of this portion of this bill to relieve the cities of the cost involved. Our election budget for the upcoming municipal election is a maximum of \$50,000 and a cost to us of over \$10,000 for these lists--it is obvious what would happen to the budget.

Chairman Foote: Some weeks ago the Elections Committee of the Senate and Assembly met with the county clerks and other elections officials on this measure for one, and there were amendments suggested. One amendment was on line 22, page 3, "shall" will be removed and "may" put in instead because there are some cities who may choose to publish such a list but this, again, would make it permissive.

Mr. Bankopier: Whenever these are run, we would like to have guidance from the Legislature how to finance this if it is mandatory.

Mr. Warren: We have asked our other cities for response to the legislation. The response is similar - they feel that Section 8 should be stricken and had hoped Mr. Dreyer would be here to explain why it was introduced, or perhaps you as a committee could enlighten us as to who needs this list of electors since the cities have no use for it. If there is a valid use for it, perhaps the cities would change their position. Can any of the committee give us an answer?

Chairman Foote: I think there are people who felt they could use this list in preparing polling place sets or lists to check off names of people who have voted, & there are people who have used these lists to get an idea of where the registered voters are and where they are in their districts. We have already been alerted to the fact they are not up to date and it is my opinion they are not useful.

Mr. Warren: We can appreciate their need for the information, but not at the cost of the public purse.

Assemblyman Smith made the suggestion perhaps these lists should be set up so they could photo them and cut the cost.

Mr. Bankopier: It will cost us 15¢ but in the present bill in Sec. 2, line 33, the cost is 10¢.

Mr. Bagich: The county would be inclined to charge the cities for that list to be published, so we would have to pay the same price for the privilege of publishing it.

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Mr. Howard: I am in sympathy with the cities in their efforts to get Sec. 8 stricken because I, too, feel there is no value. The list is really incomplete. Between the primary and general election 6,000 people would not appear on the list in between elections. But I am here for a different reason. At our meeting last month we requested in Section 1 the word "written" be put after the word "sufficient" because we feel this is a fraud prevention; we feel this cuts down on a duplication of effort. It states a person shall identify himself to the satisfaction of the clerk. I don't know how you can identify by a telephone call. To go further on that, to present a hypothetical case, if I found I was losing by 25 votes and called for 50 absent ballots, just to cover myself good, if these people go to the polls on election day they cannot vote because the roster is marked Ab. The only way they can vote is go to the county clerk's office, get a certificate of error and return to the polls to vote. I say 50% of the people won't go to this trouble. If we have a written request for absent ballot, we have a written signature and have the record that they, indeed, requested the absent ballot.

On page 3 of this bill, naturalized citizens need not present certificate of naturalization in order to qualify to vote. We felt this was necessary because we felt a naturalized citizen should not be discriminated against this way because many times they are more civic-minded than native people. Sec. 2 of 293.560 on the opening of the office in the smaller counties, we support this. Even in Washoe County the first two days of the last five days of registration are not too busy, so we feel the reference to smaller offices remaining open 3 days should be left in there.

In answer to a query by Assemblyman Smith relative to Section 8, Mr. Warren advised he has no object to the commercial aspect.

Chairman Foote advised the amendments will be 66 and 124, and she read the changes set forth by these amendments for the benefit of the guests and the Committee.

Assemblyman Ford stated she would go along with all recommendations and make the additional recommendation on page 3, line 22 the word "shall" be changed to "may."

Assemblyman Smith: Are you going to have more amendments drawn up?

Chairman Foote: The amendments I have now.

Assemblyman Smith: If you go back to the old language, changing "shall" to "may" is a redundancy.

Chairman Foote: So you are suggesting I change the "shall" on line 23, then go back to the original language?

Assemblyman Smith: Yes.

Chairman Foote: Is that the wish of the Committee?

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Mr. Bagich: Go back to the original language with the exception of the word "shall?"

Assemblyman Huff: If we go with "may", we should go to the new language to keep from being redundant.

Assemblyman Smith: Leave it like it is with the exception of the word "shall."

Assemblyman Ford: I think Darrell is right. If we leave anything at all, go with the new language if we leave the word "may" in. I move "Do Pass" of the additional amendment to the one you already have, to change "shall" to "may" on line 22, page 3.

Seconded by Assemblyman Smith.

Action was taken as follows:

Bill No. AB 11 Date: January 16, 1973
Sponsor: Mr. Dreyer
Subject: Makes various technical changes in election laws.

Committee Action: Motion made by Assemblyman Ford to "Do Pass" as
Date: 3/1/73 amended with the additional amendment to change
"shall" to "may" on line 22, page 3.

Seconded by: Assemblyman Smith

Committee Vote:	<u>Yes</u>	<u>No</u>	<u>Excused</u>	<u>Absent</u>
Foote	X	-	-	-
Gojack	X	-	-	-
Crawford	X	-	-	-
Ford	X	-	-	-
Huff	X	-	-	-
Smith	X	-	-	-
Vergiels	X	-	-	-

Disposition: Do Pass as amended with further amendment to change
"shall" to "may" on line 22, page 3.

Date: 3/1/73.

2. AB 10

Mr. Berkson identified himself as an attorney for Tahoe, representing Incline Village General Improvement District in Washoe and a number of General Improvement Districts in Douglas County. He advised this bill created what could be many problems and read from the red book put out by the tax commission the many types of districts and the number of each type of district, stating this bill affects every county in the state. Special districts are included in the definition of entities which must be reapportioned on a geographical basis. This is true with many unimproved districts throughout the state. It would require a reapportionment of many of these districts which are small. Incline Village has 5 elected trustees. It has 80 homes, many of them summer homes. It would be

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impossible to geographically reapportion - would probably have to split bedrooms. Incline District - the largest General Improvement District in the State - doesn't know what the population is; there is no census data for that district. I discussed this with the Attorney General's office, stating this is the biggest problem - no official census data. In some manner or other the districts would have to know the population. It is very difficult to segregate geographically because they are usually "clunked" together in small clustered areas. What basically was done the last two or three years could make them illegal because to my knowledge not one special district reapportioned. I think it is a bad law and there should be an exception for these special districts, and hope an amendment will exclude special districts. For a county, that would be favorable because there is census data for the county, but to include the little districts - or even some larger ones - there would have to be some guidelines they can go by. Otherwise, it creates a bad situation. If there are any questions, I would be happy to answer them.

Assemblyman Ford: Where in the bill does it provide a district smaller than a county?

Mr. Berkson: I would support AB 10 or amendments that would exclude these smaller municipal entities which creates great difficulty in reapportionment. I think AB 10 as written now would solve the problem and create a reapportionment area where you have the data to provide reapportionment.

Assemblyman Vergiels: I got the impression this was written especially for Carson.

Mr. Meder: No.

Chairman Foote: If it meets with the approval of the Committee, I will ask Mr. Wooster to explain the amendments.

The Committee concurred so Mr. Wooster came to the meeting to clarify some questions.

Mr. Wooster: The purpose of the amendment that we sent you on AB 10 was to solve the problems we had in part of SB 61 which was signed by the Governor. The amendment would make it clear that AB 10 would apply to Carson City insofar as other local government units in Carson were concerned. The gist of the bill, particularly the effect of SB-61, was to take Carson City out of the local government reapportionment list. It wasn't clear in SB 61 other local government units in Carson City should have been included. The purpose of this amendment was to make this clear. The intent was to make the local government reapportionment law apply to counties, school districts, hospital districts, etc. Of course, with Carson City we are dealing with a county or city specifically so when they are excluded, there has to be additional language they are excluded only as a city, as the rest of the cities of SB 61 were excluded by the application of this act, but the

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hospital trustees, school board, etc. would still be included. What we have done, in addition to this because it was our feeling that SB 61 would create some special problems for Carson City they would want clarified, was prepare a separate bill (SB 312) which I believe has passed the Senate. This contains (1) the same amendment we are proposing for AB 10 and (2) also clarifying a problem brought to our attention after SB 61 was passed regarding the realignment of the wards in Carson City.

Assemblyman Ford: The purpose is to give them the same options as other cities?

Mr. Wooster: Yes.

Assemblyman Ford: Only question is, do we really want to give them the option to do that.

Mr. Wooster: Too, what the other units in Carson City are going to do. In other words, it ought to be clear they are within the local government reapportionment law. If you feel they should remain out, you should make the provisions how they are going to realign their wards. Right now, all of these units are within the realignment law.

Assemblyman Ford: If we really wanted them to have those single seat districts, we need just not pass this bill at all?

Mr. Wooster: AB 10?

Assemblyman Ford: Yes

Assemblyman Vergiels: What effect does AB 253 have on this? Would we delete Carson out of this?

Mr. Wooster: No, just Sparks. Carson City is in that. City and county are identical for these purposes.

Assemblyman Ford: My thoughts go toward single seat districts. We've gone that way in Clark County. I would be interested in people's ideas they have in some of these areas.

Mr. Meder: Part of the problem is getting confused with Carson City and what the bill is intended to do. Forget about Carson for a while. This is involved with mechanical problems throughout the rest of the state. We're talking about county commissioners, hospital districts, special districts, etc. What you are requiring the counties to do is for single seat elections for each of these districts and I have tried to straighten it out in my own mind as to what the intent is. In a medium size other than Clark or Washoe the average population is 8,000 or better registered voters. With 8,000 voters in a community or county, having 3 county commissioners, each living in a district or elected to a single district, each of those wards or districts would have approximately 2600 voters in that. By state statute, could have a

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maximum of 400 voters in each precinct. Each precinct would have to have 7 precincts within each district or ward.

Then you come to hospital boards which have 5 members on them. Now you take the 8000 voters and divide them into 5. Now you have 1600 members in each of these wards or districts; on the 400 voters per precinct maximum, have to have 4 precincts in each of those wards.

On school boards, with 7 members, you divide the same 8000 voters by 7, etc. It is a mathematical nightmare. When you get down into the smaller counties with maybe 3 commissioners with 370 voters in each ward, you can understand the actual practical problem of holding an election. Mr. Vergiels asked me by adopting this bill would it ask Washoe and Clark be excluded. I believe they should, and would suggest possible amendments to this to exclude both Washoe and Clark Counties - then you will have counties of about 15,000 or more.

Assemblyman Vergiels: That would satisfy my objection completely if you would remove them.

Assemblyman Ford to Assemblyman Gojack: How do you feel about Washoe County? Do you think they should be allowed to decide whether to let everyone vote or just let those in their own district vote?

Assemblyman Gojack: I want to leave that alone the way it is.

Assemblyman Vergiels: I wouldn't be hesitant to make the amendment. I feel if this is the basis it includes all county governments and that the commissioners in Clark and Washoe could then reapportion themselves into calling their boundaries coexistent.

Assemblyman Ford: No, all you wanted was to take Section 3 and exclude Washoe and Clark Counties from it.

Mr. Meder: Where Carson is excluded, also exclude Washoe and Clark. It would require them to still remain as they are presently set up in the State statutes and take care of all their other special districts.

Assemblyman Gojack: Does that satisfy your objections in Incline, Mr. Berkson?

Mr. Berkson: No.

Assemblyman Ford: Only in subsection 3 - only applies to the things that apply to the county boundaries.

Mr. Wooster: Do you want to exclude Clark and Washoe only for county commissioners or all of them?

Assemblyman Vergiels: All of them.

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Mr. Berkson: Then it would probably solve our problem, but would like to discuss it with Mr. Wooster.

Chairman Foote: What does the majority of the Committee feel?

Assemblyman Ford: Washoe and Clark taken out of this legislation on county commissioners, school board and hospital trustees, etc. and move amendment be prepared excluding Clark and Washoe from the requirements of Section 3 and retaining their jurisdiction they already have under the reapportionment act. Amendments would be brought back to the Committee for approval.

Assemblyman Gojack: Seconded

Action taken as follows:

Bill No.: AB 10 Date: January 16, 1973
Sponsor: Mr. Dreyer
Subject: Redefines the constituion of local government units.

Committee Action: Assemblyman Ford moved to amend section 3, page 1, Date: 3/1/73 to exclude Washoe and Clark counties on this legislation re:county commissioners, school board and hospital trustees, etc., retaining their jurisdiction they already have under the reaporticment act, and amendments to be brought back to the Committee for approval.

Seconded by: Assemblyman Gojack.

Committee Vote:	<u>Yes</u>	<u>No</u>	<u>Excused</u>	<u>Absent</u>
Foote	X	-	-	-
Gojack	X	-	-	-
Crawford	X	-	-	-
Ford	X	-	-	-
Huff	X	-	-	-
Smith	X	-	-	-
Vergiels	X	-	-	-

Disposition: Amend and return to Committee for approval.
Date: 3/1/73.

Mr. Wooster: One comment. One of the things that was attempted to do in AB 10 was to eliminate a dispute as to what single districts meant and in this amendment will also have to clarify what Washoe and Clark Counties will have to do with single member districts. They are only excluded for the alternatives of Section 3. This could mean a district for residential purposes only. We should also clean up the language about having to live within the district. When we prepare this amendment, we will try to attack that problem, also.

3. AB 235

Chairman Foote read the changes of the bill, advising she had some proposed amendments and a conflict with AB 253. Amendment 206 to

235 amends the bill as a whole by adding a new section. She read the amendment in detail, then commented the whole amendment actually has to do with the elections of Carson City and whether they want to be represented by the representatives of the ward or the city at large. She advised it was also suggested they amend Section 1, page 2 by deleting lines 4 through 6 and inserting instead: "if more than two persons file for a particular office, the candidates receiving the highest number of votes not to exceed twice as many as to be elected will go into the general election."

Assemblyman Glover: That was my amendment to have drawn. What that section does is to bring Carson City's laws into compliance with the State law. Carson City is not in alignment with the State law on the matter of setting forth two people into the general elections and I must admit this bill is not a candidate's bill. It does not favor the people running for office; it favors the people that are voting. In the last election there were 1,084 people that registered between the primary and general election. These people, since they didn't vote in the primary (they registered after that) didn't get a voice in several races in Carson City in the general election. There are also a lot of people who don't vote in the general election. They should really get out in the primaries and they don't, so this bill addresses itself to the facts of life instead of what should be done. Just taking the figures of those who voted, an additional 2628 people, including the new registration and people who voted, did not get a choice in the general election in Carson City. (Incidentally, the elections for the Supreme Court judges is handled this way.) All this bill does is bring Carson City in alignment with the State law. It gives more people a chance to vote. I hope you give it due consideration and a fair chance.

Dr. Scrivner: I would like to oppose the bill as it was discussed in Section 6, line 21. I would like to see it left exactly as it is rather than being deleted. Mr. Glover has told you the people should have an opportunity to vote again in the general for the individual. I would like to tell you that I, for one, won once in the primaries with the 63.9% of the total votes cast, against 3 candidates, due to the fact we are nonpartisan. In the last election the Justice of Peace took on 5 candidates and won very handsomely, about 80% plus. In the last election, I had 6 candidates running, including myself - I got 33% of the total votes cast, I went into the general and won in the general. I feel, to me, it is the responsibility of the voters in the primaries; it is just as important to vote in that primary as it is in the general. No matter who registers or not registers before the general, I believe in the primaries; that is where you select who the people are they hope will represent the city, county, or State -- so they may not go into the general or they may win in the primaries. I would like to refer to that section of the State statutes and John Meder has left to get a copy of the statute so you will have the exact facts of the figures Mr. Glover presented.

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Mr. Miller: I am here to speak against changing our voting regulations as they are now in Section 6. When Carson City was made one unit, they changed the positions of elected offices of sheriff, assessor, etc. to make them all nonpartisan except the legislative races. This did not do the party organization any good; it stops the support and can literally break apart a party if it gets too bad. We've lived with this but do feel if the people get enough votes on a primary to get over 50%, they should go along with this. Any other changes, they should put them back the way they were but that isn't in this bill. Between the time registration commences and more people register, the residency requirement is 30 days. How can anyone who lives here in 30 days be aware of who they are voting for? I feel that is one fallacy in the number of people who come after the primary election.

Dr. Scrivner stated the primary election is very important. It is one of the highest in Carson City. It's not the candidates' fault if the people don't vote; it's the voters' fault. Dr. Scrivner ran against 6 candidates and won 70% of the vote. How can he lose that lead between the primary and general? Mr. Glover mentioned the Supreme Court is that way; a lot of people feel they should be that way, that it should be the same as this. I don't feel this bill is necessary whatsoever. By the way, I've had no one ask me to speak against the 50% win in the primary election.

Dr. Scrivner presented Mr. Meder so he could read the State statute. Mr. Meder: When Mr. Glover presented a bill, he stated there is an inconsistency between the election laws of the State of Nevada and those allowed by Carson City. I have a copy of the record which came out of the '69 regular session.

He read 5.030, sec. 1 re: the applicability of state election laws, stating in summary that where there is a conflict in Nevada election laws as provided, this is the one that is applicable; so though they can say different things, there is no conflict. He stated there is a move from other areas to have their laws go this same way.

Mr. Rodriguez: I don't see anything wrong with the law the way it is now. I think this eliminates a lot of extra work and expense for the candidates, if they can win the election in the primaries. This, of course, is up to the people. If the people have an opportunity to vote in the primaries, they are not restricting the vote from voting for any candidates. It would also save the county money. I don't see anything wrong with the law as it is now.

Chairman Foote: Is there anyone else who wants to speak on this?

No one did, so Chairman Foote asked if there was any motion on this bill.

Assemblyman Smith: In my city it is this way and it is not an uncommon practice. This body changing their charters without complete support of the community would be a mistake. I believe a motion is in order to postpone 235.

Assemblyman Ford: Seconded.

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Action taken is as follows:

Bill No. AB 235 Date: February 7, 1973
Sponsor: Mr. Glover
Subject: Amends Carson City charter to require names of two candidates receiving highest numbers of votes in primary to be placed on general election ballot.

Committee Action: Assemblyman Smith made motion to postpone 235.
Date: 3/1/73
Seconded by: Assemblyman Ford

Committee Vote:	Yes	No	Excused	Absent
Foote	X	-	-	-
Gojack	X	-	-	-
Crawford	-	X	-	-
Ford	X	-	-	-
Huff	X	-	-	-
Smith	X	-	-	-
Vergiels	-	X	-	-

Disposition: Indefinite postponement. Date: 3/1/73

Assemblyman Vergiels: When we passed on 235, we didn't consult the citizens to see if they wanted referendum ballot. In my opinion, your action was contradictory and Mr. Glover should have had more consideration. I want that written into the record.

Assemblyman Smith: Anyone who wanted to add more were perfectly free to discuss it and everyone was asked so there apparently wasn't anything else to contribute. I don't see how they weren't represente

Mr. Meder: We had extremely wide participation - numerous public hearings, League of Women Voters, etc with a lot of participation and discussion.

4. Bill No. SB 23 Date: January 16, 1973
Sponsor: Committee on Judiciary
Subject: Repeals obsolete or unnecessary provisions pertaining to voting machines.

Committee Action: Assemblyman Ford made motion to amend to include
Date: 3/1/73 repeal of 293.A180 also and "Do Pass" as amended.
Seconded by: Assemblyman Smith

Committee Vote:	Yes	No	Excused	Absent
Foote	X	-	-	-
Gojack	X	-	-	-
Crawford	X	-	-	-
Ford	X	-	-	-
Huff	X	-	-	-
Smith	X	-	-	-
Vergiels	X	-	-	-

Disposition: Amend and Do Pass. Date: 3/1/73

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5. AB 251

Chairman Foote stated when this bill was acted upon at the previous meeting she and the Committee were under the impression it was Stan Colton's bill. He said it was not his bill. Therefore, with the permission of the Committee, should would like to entertain a motion to bring the bill back into Committee, since she is unable to find out whose bill this is. Assemblyman Gojack made motion to bring it back into Committee and moved for an indefinite postponement.

Motion was seconded by Assemblyman Vergiels.

Action taken was as follows:

Bill No. AB 251 Date: February 9, 1973
Sponsor: Committee on Elections
Subject: Requires county commissioners to designate central office to handle voter registration services.

Committee Action: Motion made by Assemblyman Gojack to bring bill
Date: 3/1/73 back into Committee and also moved for an indefinite postponement.

Seconded by: Assemblyman Vergiels

Committee Vote:	<u>Yes</u>	<u>No</u>	<u>Excused</u>	<u>Absent</u>
Foote	X	-	-	-
Gojack	X	-	-	-
Crawford	X	-	-	-
Ford	X	-	-	-
Huff	X	-	-	-
Smith	X	-	-	-
Vergiels	X	-	-	-

Disposition: Bring back into Committee and Indefinite Postponement.
Date: 3/1/73

6. AB 235

Assemblyman Smith: In my motion to kill this, it was because I felt it was an improper piece of machinery to accomplish this, and not because I am opposed to it.

7. ADJOURNMENT

Motion made by Assemblyman Vergiels for adjournment. Seconded by Assemblyman Smith and unanimously approved by Committee. Adjournment at 5:50 P.M.

Minutes respectfully submitted by
Marion Smith
Assembly Attache



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ELECTIONS COMMITTEE
GUEST LIST

NAME ORGANIZATION REPRESENTED

Lee Morrow Nevada Appeal
Thomas Rodriguez Carson City Council
D. E. Morrison Mayor Carson City
A. E. Bud Miller Chairman C.C. Republican Cent Comm.
Robert W. Warren Nev. Municipal Assn. Carson
Roy S. Banko City of Reno
Robert M. Bagel City of Reno
John Rose assemblyman Glover
Lee Allen Nevada
Les Berkson Incline Village G. I. D.
Leid Krausberger League of Women V.
Henry E. Eberhardt Carson City
John Krentz Carson City
John Meyer - Nev. Assn. of Co. Com.
Alan Blawie - Assemblyman
David Howard - Washoe County

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ASSEMBLY

AGENDA FOR COMMITTEE ON ELECTIONS

Date 3/1/73 Time 4 - 5 Room 328

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
<u>SB 23</u>	<u>Repeals obsolete or unnecessary provisions pertaining to voting machines.</u>	<u></u>
<u>AB 11</u>	<u>Makes various technical changes in election laws.</u>	<u></u>
<u>AB 10</u>	<u>Redefines the constitution of local government units.</u>	<u></u>
<u>AB 235</u>	<u>Amends Carson City charter to require names of two candidates receiving highest number of votes in primary to be placed on general election ballot.</u>	<u></u>
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*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date _____ Time _____ Room _____
Subject _____

Date _____ Time _____ Room _____
Subject _____