

NEVADA LEGISLATURE  
ASSEMBLY

57TH SESSION

COMMITTEE ON ELECTIONS  
MINUTES

DATE: Thursday, March 15, 1973

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

ABSENCES: Ford  
Smith

GUESTS:	<u>NAME</u>	<u>ORGANIZATION REPRESENTED</u>
	Vaughn Smith	Carson City Clerk
	W. D. Swackhamer	Secretary of State, Carson City
	Jack McCloskey	Taxpayer, Hawthorne, Nev.
	Bobbie Howard	Secretary of State, Carson City
	Danny Demers	Assemblyman
	Mrs. Vergiels	Wife of Assemblyman Vergiels
	Joe Daly	

Meeting was called to order by Chairman Foote at 4:10 P.M. She advised this meeting would also cover those items listed on the agenda for March 13, 1973, since there was no quorum and couldn't be covered at that time.

1. Bill BDR 24-1067\*  
Subject: Designates County and Township Offices as Nonpartisan.

Committee Action: Assemblyman Huff moved for Committee Introduction.  
Date: 3/15/73  
Seconded by: Assemblyman Crawford

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: Passed for Committee Introduction.  
Date: 3/15/73

\* A.B. 656

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2. AB 396

Chairman Foote advised AB 396 would be held until after the discussion of AB 285 because they concern the same chapter of the law.

3. AB 285

V. Smith: I was a little in the dark as to why the requirement was put in you can't talk within 1,000 feet but it is OK across the street.

Chairman Foote: It advises you can solicit, but you can't ask someone for whom he intends to vote.

Mr. McCloskey: It was brought up about the Las Vegas Convention Center. The old law read 100'. Some suggested 500', some 1,000'. There was an 85' wide street and a sign had to be taken down under the old law. Then the question came up regarding entrance. Stan Colton said he wanted "same side of the street." I wanted to insert "or driveway" but Stan believes "any entrance" will cover this. The point was to give the police some authority. "At the polling place" is a game of semantics. What constitutes a polling place - the building itself, the room itself, the booth? Someone suggested, make it 1000'. They are trying to get more teeth into it to keep people from being bothered right inside the door.

V. Smith: In Carson, in order to be 1,000 feet away and on the same side of the street, you would have to go 5 blocks away, but it seems like across the street is OK.

Mr. Swackhamer: I agree with Vaughn, you will have to make your intent more clear.

Mr. McCloskey: Make it "1,000' or across the street." They were also concerned about bringing a car down with an "A" frame with a sign and leaving it there all day long.

V. Smith: This still isn't soliciting a vote, but asking who they intend to vote for. A sign across the street would probably be legal. I don't think this bill came out exactly as they discussed it.

Mr. McCloskey agreed that it didn't.

Chairman Foote advised the city clerk in Las Vegas suggested it state "within 1,000' of the boundary line of a property on which a property is located."

V. Smith: Indicating any distance from a polling place would be feasible but to say from a boundary line would be a very controversial thing.

Chairman Foote: Let's see if we can come up with some better wording for this.

V. Smith: It seems after "polling place" the word "or", and then "1,000' of any entrance", and then figure out what we would put after that. "Same side of the street as any entrance to a polling place or within 1,000 feet of such entrance" and then in the last sentence "in any manner solicit a vote" - this is what Mr. Closkey stated. If you wanted to say within 1,000' of any entrance it would be illegal to solicit a vote, that should be enough without getting into whether you are on this side of the street, the other side of the street, etc.

Chairman Foote: I think they put in the bill "the other side of the street" because that was most certain.

V. Smith: I think Stan Colton's reason for putting this request in was the hassle with the people and had nothing to do with the billboard that designated that as a polling place.

Mr. Demers: They don't change that often.

V. Smith: It would be hard for me to convince anyone in Carson 4 blocks away from Carson Mall they couldn't put up a billboard to vote for Joe Law.

Mr. McCloskey: You are speaking now what a person may not do. Change it to "no person may...."

V. Smith: There should be a division between signs and people. In a little town like Eureka, you can go 1,000' away and you are out of town. So the sign business is different from hassling a person around the poll.

Mr. Demers: I think primarily what Stan is trying to get is to stop harrassment. 99% of the people have made up their minds and they aren't going to change their mind and don't want people pushing cards to the voters urging them to vote for so and so, etc.

Mr. Daly: I parked a vehicle in the school parking lot. The door to the polling place was a good 1000' away. Other candidates had their cars with signs on them all around there. I think if it was 300' from the door of the polling room, I think even in these small towns this would clear the situation up. But there definitely should be a change because there are two different readings. When it reads from the polling place some people want to know if that means the door, the room itself, where the booth is, or what. This is where the conflict is.

Chairman Foote: You missed some of the discussion. Part of the reason for needing this change is in Clark County they used the Convention Center and the size of the Convention Center is part of the problem. Going in one door, you would be close to the place; going in another door you would have to walk a long distance. So it almost has to be from the outside to affect any door you mean.

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Mr. Daly: At this school there was no roof over the walkway but there was a front entrance so you had to go back 200' with no roof before you came to a room. So the question was "from the door where you went in" or "the entrance"?

Assemblyman Gojack: Make it the first door you go in.

Assemblyman Demers: You might make it "entrance and/or exit."

Assemblyman Huff: You could enter a building and still be 1,000' from your polling place.

Assemblyman Vergiels: We have a lot of good ideas but there is still a lot of gray areas.

Chairman Foote: You still don't want to consider this -- "no person may while on the same side of the street...?"

Mr. Swackhamer: I think that would be redundant. If you just said "solicit a vote", wouldn't that be enough?

Chairman Foote: I think it would.

Mr. Closkey: Why don't you try it on for size?

Assemblyman Vergiels: I'm not opposed to "no person may, while on the same side of the street as any entrance to a polling place or within 1,000 feet of any entrance, in any manner solicit a vote."

Assemblyman Crawford: In Las Vegas, houses are across the street from the school and the houses have signs in their yards. Will they have to take them down?

Chairman Foote: If we pass this bill they will have to.

Mr. Swackhamer: Why don't you leave out the entrance and just use the 1,000' as the criteria?

Assemblyman Huff: We can't tell people in their own yards they can't have signs.

Mr. Daly: You're asking for something you can't get.

Assemblyman Gojack: We can make the exception if it is a private sign on private land or dwelling.

Mr. Daly: I think it would be better if you considered only the land and the place the voting place is setting on.

Chairman Foote: If you were in Austin and had a polling place in the hotel, you come out the front door and are on the public sidewalk. That isn't the land of the building.

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Mr. Daly: Yes it is. They still pay taxes on it to the road.

Mr. Swackhamer: How about the fire stations? With one foot out the door you would be off the land.

Mr. Daly: You couldn't stop the man next door from putting signs up.

Assemblyman Vergiels: I suggest possibly Jack and Mr. Swackhamer kind of clean this up so there is some sense to it.

Chairman Foote: I can almost guarantee that anything we do, two years from now will be amended.

Assemblyman Crawford: If you pass this, I won't be able to solicit in my district.

Chairman Foote: This is only on election day. Any other day you can do what you want to. If we like this bill on 396, we should take it and put in 205. What language do you want on it?

Assemblyman Vergiels: I think we should have the technicalities cleaned up by someone who understands this.

Chairman Foote: I appoint Mr. Vergiels and Mr. Crawford to determine what language we put in here.

4. AB 397

Chairman Foote advised they would hold this bill until someone wants to testify. This bill provides for primaries in August. It was introduced by Mrs. Ford and she couldn't be at the meeting today and requested discussion and action be held up until she could be present.

5. AB 316

Mr. Demers: I can't see any particular problems we have on this in Washoe or Clark. This bill in Clark County changes the book which is the county clerk's register and gives it the name of registrar of voters register. It applies only to Clark County since they are the only one who have registrar of voters.

V. Smith: I can't remember whether it says if the county clerk is ex-officio registrar of voters.

Chairman Foote: Yes, except in Clark County.

Mr. McCloskey asked for the NRS number and was told it is 293.503.

Mr. Demers: So this just brings it into conformity.

Chairman Foote: I think we will check out those references to make sure they are correct so we don't make registrars out of all clerks.

Assemblyman Gojack: Would there be any merit in putting the population figure in?

Chairman Foote advised she would check that out.

6. AB 317

Assemblyman Demers:

This bill simply provides the legislators will put out resolutions. After they have gone through the proper channels they go on the ballot and the counties have to pay. Also, they have to publish these constitutional amendments in the newspapers. Counties don't feel they should underwrite these costs and they more properly belong at the State level. The County Fiscal Officers Association asked me to put this bill in so it could be appropriated from the General Fund of the State of Nevada.

Chairman Foote read the bill in detail for the benefit of the Committee and the guests.

Assemblyman Demers: This is going to affect the smaller counties more than Washoe or Clark. I don't think in a ratio, since in the smaller counties there is a small tax base, this would amount to a lot of money. The smaller counties requested the bill.

Mr. McCloskey: I speak in support of AB 317. The State recognizes a certain amount of responsibility by providing the ballots to the counties. Basically, this is a command from the State to the counties to do something and it certainly is a valid charge against the State and not the individual counties. They get hit enough in conducting an election. And especially in these changing times they have had 8 questions on the ballot. In years gone by, there have been none or even only 3. They have to give up something else to meet these costs. Only one more thing - in cross reference to the 293 portion of the statute, that is erroneous. I'd be glad to furnish it to you afterwards. It sets the limit what can be charged. But I believe this is a very sound move and a more justifiable charge against the State than the individual counties.

Mr. Swackhamer: I substantially agree with Jack. I feel it is a fair charge against the State for another reason - the county budgets are smaller than the State and there is no way the county clerks can anticipate the number of questions there will be against it. There is no way the Secretary of State can anticipate them, either, but there should be something set aside. Re: Section 3, if you mean to include the initiative and the referendum, I'm not sure this catches it. I think you mean to include it but it is not here.

Assemblyman Demers: I wonder, in getting around to setting a special fund, I would like to ask if the Secretary of State can't go back to the next Session of Legislature to get the money.

Mr. Swackhamer: I don't think there is any great problem - set up an amount greater than needed.

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Chairman Foote: Would you like us to amend line 3 to show initiative and referendum?

Mr. Swackhamer: I think that is what was intended. If not, to include it might be more of a problem than it would solve.

Chairman Foote: Any other remarks on AB 317?

It was requested a correction be made to line 3 and the reference on line 22.

Mr. Swackhamer: You'll have 366, which was passed. There is a conflict in here, too.

Mr. McCloskey: 366 won't stand up on that part, anyway.

Chairman Foote: We'll hold this and look at it with 366 before we do anything.

7. AB 427

Chairman Foote advised this is an act relating to voters and removes the requirement to cancel the registration of certain voters who vote by absent ballot; provides a procedure to reregister by mail; and provides other matters properly relating thereto. She advised at 3:30 she had a call from Stan Colton asking how this bill was coming. She advised line 2 says it will eliminate 293.545 from this bill and asked if there were any remarks to be made on this bill.

Mr. McCloskey: You just pointed out they are eliminating 293.545 on line 2 and on line 10 they continue on with the same section.

Assemblyman Huff: They are just putting in a portion of it.

Chairman Foote: 313 is an absent ballot and if we ever get AB 11 on the floor, they will do away with that.

Mr. McCloskey: This bill is shifting the burden from the voters to the registrar of voters. In Clark County that could amount to quite a bit of money to send out a card.

Chairman Foote quoted prices she had received which indicated that in the long run there would be a saving if this method were used.

Mr. McCloskey: If they don't get a response, you've spent a lot of money for a dead issue. But I don't want to get involved with this.

Chairman Foote: This applies only to Clark County because it says registrar of voters and no one else has one.

Mr. McCloskey: It will apply to everyone.

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Chairman Foote: Then we had better do something about the "shall."

V. Smith: I followed it up with the returns from the office and I might have made a mistake sending it first class and getting address correction, but around 96% of those were no longer eligible to vote in Carson City. I don't know whether that percentage is valid any place else or not. Of those who did not vote, the great majority did not have a right to vote and would not vote here next time so the postcard would be a waste of time.

Assemblyman Gojack: So you would accept changing "shall" to "may"?

V. Smith: Yes. You'll always have trouble with the voters register list. You'll never have an accurate one. People don't tell us when they move across town.

Action was taken as follows:

Bill AB 427 Date: February 27, 1973  
Sponsor: Messrs. Crawford, Bennett, Mesdames Gojack and Ford  
Subject: Provides convenient procedure for reregistering to vote and eliminates required cancellation of certain registrations.

Committee Action: Assemblyman Huff moved to amend "shall" to "may"  
Date: 3/15/73 and Do Pass.  
Seconded by: Assemblyman Gojack

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: 3/15/73

8. Mr. Swackhamer: I appreciate your sending me your schedule of meetings. SB 162, page 2, starting on line 11, section 4, has a tremendously unconstitutional feature. Guard against it carefully when it comes over.

Mr. McCloskey: It states no newspaper, radio broadcasting station, outdoor advertising company or television broadcasting station shall accept, publish or broadcast any 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. I would like to stop right there. To me, it is one of the most stultifying privileges of freedom of speech when you have to tell a citizen he can't be in support of a candidate without locating the candidate to see if he can. This is too close to the federal law which causes nothing but headaches. Sometimes in an



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effort to correct these problems the cure creates more damage. I recommend the Senate and Assembly give a lot of thought. If you live up to the law, you will deny a lot of candidates the support of their friends. If it is done, we have to give the Secretary of State a report of our business with no money to pay for the bookkeeping necessary to keep track of these costs. I know this isn't to be scheduled yet, but I want to give you my thoughts on it. You can't support one of your own candidates without his permission but there is no provision you can't support his opposition.

Mr. Swackhamer: I have certain objections to Jack's arguments but will discuss it when it is on the schedule.

9. ADJOURNMENT

Assemblyman Vergiels moved for adjournment and it was seconded by Assemblyman Crawford. Meeting was adjourned at 5:05 P.M.

Minutes respectfully submitted by  
Marion Smith  
Assembly Attache

*MS*

# ELECTIONS COMMITTEE MEETING

## GUEST LIST

DATE: 3-15-73

<u>NAME</u>	<u>ORGANIZATION REPRESENTED</u>
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Laughy Smith	Carson City Clerk
Wm. S. Sweeney	Sec of State
Jack McClellan	Transport Hawthorn, Nev
Bobbie Howard	Soc'y of State Carson City
Senny Semers	Assemblyman
Mrs. Vergies	Wife of Vergies
Joe Daly	

ASSEMBLY

AGENDA FOR COMMITTEE ON ELECTIONS

11

Date 3/15/73 Time 4 - 5 Room 328

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
AB 285	Revises provisions concerning area around polling place within which votes may not be solicited.	
AB 316	Changes name of county clerk's register to registrar of voters' register.	
AB 317	Enables county clerks to recover costs of publication of constitutional amendments from the state.	
AB 427	Provides convenient procedure for reregistering to vote and eliminates required cancellation of certain registrations.	

\*Please do not ask for counsel unless necessary.