

NEVADA LEGISLATURE  
ASSEMBLY

57TH SESSION

COMMITTEE ON ELECTIONS  
MINUTES

DATE: Tuesday, March 20, 1973

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

ABSENCES: None

GUESTS	<u>NAME</u>	<u>ORGANIZATION REPRESENTED</u>
	Senator Melvin Close	Nevada Senate
	Assemblyman Daniel Demers	Nevada Assembly
	Carol Brenenberger	League of Women Voters
	Julie Day	Nevada Broadcasters Assn.

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

1. AB 51

Assemblyman Demers: I believe, in talking in person with some of the members of this Committee, it appears perhaps the best action to take at this time is to indefinitely postpone AB 51 and AB 54 in lieu of some of the amendments your Committee is proposing on AB 55 which more or less incorporate those ideas into one bill. There is one section on these amendments I would prefer to take out because it wasn't my intention to have it in here, and that is the one which has to do with campaign signs. For the purpose of private author~~ship~~ship and it wasn't my idea and it wasn't intended to be here, it should be removed.

Assemblyman Demers then read the amendment on AB 55, then commented: "In summing up, I think this is a good amendment and a bill somewhat overdue in the State of Nevada. It doesn't involve a person's private finances or income, but simply a statement on public record where we are getting our money, who is contributing to our campaign, and won't have to be filed until after an election. I think it is wrong for another candidate to say something derogatory against another person for campaign purposes, but people have a right to know after the election is over who they got the money from."

Assemblyman Ford: It still doesn't provide listing of contributors.

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Assemblyman Demers: You're right. What we are trying to get out is how much money a candidate is spending to achieve public office. I think now we have these new small districts, it limits the money that can be spent and forces the candidate to get out and meet the people instead of them seeing his picture on TV, hearing his voice on the radio, etc. You may want to consider adding to the paragraph a new section F saying we will list who gives the money. I would have absolutely no objections to it - or you may adopt AB 54.

Assemblyman Ford: I think if you want to go with disclosing where you get it, it should be done with this. We need to decide where you want to go with that other step.

Assemblyman Demers: In view of what happened today on an amendment, you might not be able to get the Assembly as a whole to swallow a provision of that sort. I think it would be wiser to go ahead and put it in, in light of this, and next Session come back and provide for that. Provisions can be enforceable and other states are doing it. Philosophically, I think people have a right to know how we are spending our money and how much it takes to achieve political office.

Action taken as follows:

Bill No. AB 51 Date: January 22, 1973  
Sponsor: Messrs. Demers and Vergiels  
Subject: Limits campaign contributions

Committee Action: Assemblyman Vergiels moved to indefinitely  
Date: 3/20/73 postpone AB 51.  
Seconded by: Assemblyman Ford

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: Indefinite Postponement. Date: 3/20/73

2. AB 54 and AB 55

Assemblyman Vergiels stated he would like to see, if possible, the disclosure in AB 54 also added as a separate item to AB 55. Assemblyman Demers commented it would be a real plus if the Committee and Assembly could pass these out. He added, however, disclosure seems to be a tough thing for some people to accept. Assemblyman Ford stated she is not fighting disclosures necessarily but there are a lot of loopholes here, but Assemblyman Demers felt if we could get something on the books we could come back and amend it. Chairman Foote pointed out during the discussion that they are talking about legislative expenses. Assemblyman Crawford asked if they were talking about disclosing personal assets and was assured they were not. Assemblyman Ford asked if we are going to have any enforcement, and Assemblyman Demers replied the enforcement would be by the county clerk, secretary of state, etc. He stated it is being enforced in California and it is enforceable if you have an aggressive person responsible for it. It was decided Assemblymen Demers and Vergiels have a draft of these bills prepared as they propose them to read and brought back to the Committee before acting upon them.

3. SB 162

Senator Close: This bill provides a maximum of \$15,000 for Senate candidates and \$10,000 for Assembly candidates in both primary and general elections. It was felt by many that the primary election is the election. I feel everybody should run a campaign on this amount of money. If anything, it is probably high than low. In addition, it provides 50¢ a vote in either Assembly or Senate. In the Assembly, if you received 30,000 votes, say, in the previous election, you would be able to spent \$15,000 instead of \$10,000. In the Senate, for example, if there was in excess of 30,000 votes for senate candidates, it means you could spend in excess of \$15,000. It was felt in some very large districts where many, many miles were involved that would be more appropriate and have a wide range. You will note it provides campaign expenses, which means everything you expended. However, there is a special requirement TV, radio, newspapers and billboard companies must report how much you spent. The purpose of that is to try to keep you honest. In my campaign, 75 - 80% came out of those four categories and you had to report all your campaign expenses and you could be checked up in those four categories. This bill does not intend to get every penny you spend. Everybody can fudge if he wants to and I am not saying people will not do some, but you will have to rely on the good faith of the candidates that are running and hope they will have some responsibility and hope they will report honestly. The bill provides 45 days after a primary election and 60 days after a general election an affidavit should be filed with the secretary of state listing all campaign expenses. This was put in there because some reported they had hired campaign managers and it took a couple of months to get the final report back.

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Assemblyman Vergiels: Why would it take anybody 60 days?

Assemblyman Ford: The Senate races are run all over the counties.

Senator Close: From what the committee was told, there was some difficulty getting these reports back. 60 days still means they are reporting before coming to Carson City.

Assemblyman Gojack: What do you have to say about Section 4? McCloskey said this was a serious violation.

Senator Close: The reason for that is quite obvious. If I am running for an election and I have spent my \$15,000 and then an ad appears on TV for me and my opponent says "You have already spent more than \$15,000," I will say I didn't know anything about it.

Assemblyman Gojack: Do you feel that is an actual violation of free speech?

Senator Close: No.

Chairman Foote: If someone wanted to put out information opposing you, they could spend as much as they want and you couldn't say anything about it.

Senator Close: Not many people will spend \$15,000 opposing their candidate. Some small groups can run around and spend many more thousands of dollars for you. All this says is they have to report it to you so you can keep track.

Assemblyman Vergiels: In the last campaign I was on 6 or 7 different industrial lists and I understand they could do this.

Senator Close: I presume you would have to have some delegation, though I hadn't thought about it before. I think you would almost have to figure out something like that; otherwise, AFL could take out a full page ad for me. I think in fairness you would have to somehow account for that.

Assemblyman Ford: Major types of media you could double check on. What about computerized mailing lists?

Senator Close: I would see nothing wrong with that.

Assemblyman Ford: What about postage? That is an area you can check on - in bulk mailing.

Senator Close: I would think not many Assemblymen would go over \$10,000 in either campaign. Maybe there are. But I think within 10% you are going to have limited campaign expenses. I think people are getting sick and tired of spending huge sums for campaigns and I think the public is getting tired of huge campaigns. Every other state except 4 has more campaigns.

Assemblyman Huff: One of the things that was brought up before on this was the freedom of press. If he has to come to you for your approval, although he likes you and wants to do it in the newspaper - the man himself, and likes you as a candidate and wants to say something about you --

Assemblyman Vergiels: Editorials, for example.

Assemblyman Ford: It doesn't limit that.

Assemblyman Vergiels: How about letters to the editors - if you could get them in there?

Assemblyman Ford: But that doesn't cost. This is to limit the costs.

Senator Close: If you can get people to write letters to the editors, more power to you.

Assemblyman Huff: What about the editor, himself?

Assemblyman Ford: That wouldn't be included here. What he is talking about is money being tied to influence.

Assemblyman Huff: Is there an advantage of a person of a person who is going to cheat over an honest man?

Senator Close: If you are going to cheat, you are going to cheat. Normally an incumbent can raise money easier, but the mere fact you are limited by what you can spend gives the non-incumbent an advantage. I think this will kind of even things out a little bit.

Assemblyman Demers: Is there a provision in this for individuals who are already in the public eye and suddenly become a candidate?

Senator Close: I don't know who you can overcome that advantage.

Assemblyman Ford: To be counted, there would have to be something indicating candidacy?

Senator Close: Yes.

Assemblyman Demers re-read AB 54 amendments for the benefit of Senator Close to see if there were any conflicts. Senator Close stated this does not conflict with his bill. Assemblyman Demers then re-read amendments to AB 55. Senator Close stated there is a conflict here.

Assemblyman Huff: There is a discrimination between the winner and loser - one goes to jail and the other doesn't get his office.

Senator Close: That amendment conflicts substantially with this other bill. We don't know how this is going to work in Nevada and would like to give it a two-year opportunity to see what happens. It would be my intent to make this ultimately everybody instead of just senators and assemblymen. Many of the things contained in this bill conflicts with what is contained in the other bill.

Assemblyman Demers: I think we all know actually this is going to work--it is a matter of enforcement. Somebody, somewhere along the line, is going to have to enforce it. I think it is discriminatory to apply these rules to Senators and Assemblymen and not apply them equally to the city clerks, county commissioners, etc.

Assemblyman Ford: I think there might be a constitutional question about not allowing a person to be sworn into office because he didn't file a form.

Assemblyman Demers: You could make it a gross misdemeanor and forget about not swearing him into office. By the time you get to court and everything, he isn't going to get to hold office anyway.

Assemblyman Ford: Would you object to having the Secretary of State prepare a form that would list suggestions, or otherwise that will be very objective about which ones they select?

Senator Close: That would be a very good idea.

Chairman Foote asked if there were any further questions. There were none so Senator Close and Assemblyman Demers started to leave the meeting.

Assemblyman Ford to Senator Close: If you put a misdemeanor on this, one of the major features is your opponent. I think a gross misdemeanor is appropriate for a violation of this type. I think there are a lot of things worse to do than this and there is no gross misdemeanor violation involved.

Assemblyman Demers: Pat Brown in California has requested the Legislature to enact legislation to have the State Controller audit these things.

Assemblyman Smith: You suggested your opponent might be the person to bring charges.

Senator Close: Not charges - just bringing attention that there is a violation.

Assemblyman Smith: When he files the complaint and they find it true, what is going to happen? You serve your term and you accomplish nothing except embarrassment and a fine.

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Senator Close: It probably wouldn't have much effect except in the next election your opponents might bring out the fact that during the prior Session you had a violation of this type.

Assemblyman Ford: What about advertising agencies? You don't have that, either. They have production, art layout, etc.

Senator Close: I wouldn't know what an advertising agency would be. If I helped you in your campaign, am I not an advertising agency? I think you will have to rely a great deal on the honesty of the person who runs for the office. If you omit something and someone finds out about it, it will be embarrassing. It is an easy way to measure it and it is an attempt to get at the problem.

Assemblyman Huff: If they both got their campaign in the hands of the same agency and they liked one and they didn't the other, there would be a difference in rates.

Senator Close: That would be the problem of the candidate.

4. Chairman Foote: We have indefinitely postponed AB 51. With your approval, could we get amendments 54 and 55 before we put the bills out?

Assemblyman Vergiels: I would like to get a "Do Pass" when Mary gets her signs bill and like her to get individual approval of the bill.

Assemblyman Gojack: If I have your permission to put your name on it --

Assemblyman Smith: I wouldn't want my name on it because I didn't originate it, but I would support it.

The Committee unanimously expressed approval of the motion to allow Mary to ask about drafting a bill about campaign signs.

5. ADJOURNMENT

Assemblyman Huff made a motion for adjournment. Seconded by Assemblyman Vergiels. Meeting was adjourned at 5:20 P.M.

Minutes respectfully submitted by  
Marion Smith  
Assembly Attache

*met*

ELECTIONS COMMITTEE  
MEETING

GUEST LIST

DATE: 3-20-73

NAME ORGANIZATION REPRESENTED

Paul Brundage  
Assemblyman General  
Mel.

Judge Julie Kay = New Brundage  
P.O. Box 1049  
Rens 89504  
Miss.

Li: SB-162  
Wants to testify re  
sent copy of bills



ASSEMBLY

AGENDA FOR COMMITTEE ON ELECTIONS

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Date 3/20/73 Time 4 - 5 Room 328

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
AB 51	Limits campaign contributions.	
AB 54	Limits legislative campaign expenditures.	
AB 55	Limits campaign expenditures.	
SB 162	Limits campaign expenditures of state senators and assemblymen.	

\*Please do not ask for counsel unless necessary.

...Sec. 3. 1. Except as otherwise provided in subsections 3 and 4, campaign signs:

(a) May be placed only on private land on which there is an occupied dwelling or business establishment, and there only with the permission of the occupant; and

(b) Shall not exceed four feet in the shorter dimension and eight feet in the longer dimension.

2. Except as otherwise provided in subsection 4, campaign signs shall not be erected, posted or used earlier than 30 days before the election to which they pertain, or left in place longer than 5 days after that election.

3. A campaign sign of any dimension may be placed on a commercial sign board in any location, if the sign board is established pursuant to a permit issued by the appropriate local government.

4. If any local ordinance imposes stricter requirements than those of subsections 1 to 3, inclusive, the requirements of the local ordinance control."