

NEVADA LEGISLATURE
ASSEMBLY

57TH SESSION

COMMITTEE ON ELECTIONS
MINUTES

DATE: Thursday, March 8, 1973

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

ABSENCES: Smith

GUESTS:	<u>NAME</u>	<u>ORGANIZATION REPRESENTED</u>
	Anne Roberts	League of Women Voters
	Anne Amoral	Self
	Ken Haller	WC Demo. Candid.
	William G. Foote	1535 Merced St., Richmond, Calif.
	W. D. Swackhamer	Secretary of State
	Silva Maness & daughters	Reno - Self
	Mr. Wooster	Legal Counsel

Meeting was called to order by Chairman Foote at 4:05 P.M.

1. Bill BDR 17-1265 *
Subject: An act to reduce the Age of Eligibility for Candidates for the State Legislature

Committee Action: Assemblyman Ford moved for Committee Introduction.
Date: 3/8/73
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: Passed for Committee Introduction.
Date: 3/8/73

* A.B. 553

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2. AB 366

Anne Roberts, representing League of Women Voters of Nevada, spoke in support of AB 366. Copy of her statement is attached. She advised she was not speaking to the mechanics of the bill but only for the principles.

Mr. Swackhamer: I would first like to state I concur in the philosophy that the better informed people are the better selection they will make. As I understand it, some of the sections of the bill were quite gratuitous - they just got there - and they are my principal concern. Is it the intention of this Committee to delete a significant number of sections or are we talking about them all?

Assemblyman Ford: There are some differences. If it is the climate of opinion in the Committee to pass the bill out in some type, I would suggest Mr. Swackhamer stay at the table and we go over some of the elements and discuss what type of bill we would like. He has some specific questions and I have some proposed amendments.

Mr. Swackhamer: This bill was transferred to the Legislative Counsel Bureau. I would say these would be the best people to write this bill and if that is the will of the Committee, I would agree. It would just seem to me, both philosophically and for clean workmanship, the Legislative Counsel Bureau could do it better than anyone.

Assemblyman Vergiels: What would the cost of this sort of thing be?

Assemblyman Ford: It is circulated to all the county clerks of the State. I have an estimated cost of publication only, not the preparation.

Mr. Swackhamer: It is slightly over \$18,000, I believe, for AB 366.

Assemblyman Ford: Basically, what the bill does would provide for a preparation of a pamphlet similar to the type they put out on an amendment to the constitution. In the first part of the bill it simply states the Secretary of State shall compile a pamphlet and the decision of what goes into it is between his office and the Legislative Counsel. On page 2, Section 5, it provides ballot pamphlets shall be supplied to county clerks for mailing and then gives deadlines. In Section 4, it provides Secretary of State sends copy of any question that his office has go through the two session of legislature and it is now ready to go on the ballot by path of the legislative counsel, who prepares

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an impartial condensation of the measure which shall be in 25 words or less unless in the judgment of the legislative commission the condensation should be longer.

Question: Is that the actual question that appears on the ballot? In looking back at the existing law, that is supposed to be the actual question that is put on the ballot. The legislative counsel would have to submit that wording to the legislative commission for approval. The Secretary of State has to prepare a statement in a small box for an explanation. There is no provision for that explanation. I would like to propose an amendment on page 2, section 5 where he would prepare such a statement. On line 46, I would propose to add "and explanation" after the word "condensation." On line 23, I would propose to add "and explanation" after the word "condensations."

On the ballot, a 25 word question is to appear, and then a brief explanation. That starts on Section 6, where the legislative counsel receives from the secretary of state a copy of any statewide measure which qualifies for a place on the general election ballot, etc. On line 16, there was some question in some people's minds what "a digest of statutes which become effective upon approval of the amendment" means. This means if we did pass a law contingent upon the amendment passing, then a statement would have to be made stating what laws would become effective if that constitutional amendment were to become effective.

Mr. Swackhamer: Page 3, line 25, Section 7 - would we have to provide a copy of the entire statute affected by the measure?

Assemblyman Ford: The intent is to provide a text of the question.

Mr. Wooster: Referring back to line 24, that could use some clarification.

Assemblyman Ford: It would not be the intent to put every law it affected on the ballot in text form.

Mr. Swackhamer: Would that be available to the voter someplace in the voting place?

Mr. Wooster: No, just in the pamphlet and in the appendix.

Mr. Swackhamer: Isn't there somewhere where you are going to have to tie your bill to the voters in the ballot? Some people write down what they are going to do and the wording can't be too much.

Assemblyman Ford: We put a 25 word question and a small paragraph explanation in the pamphlet.

Mr. Swackhamer: Is there a place for the question and a place for the explanation on a voting machine?

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Assemblyman Ford: It isn't the intent to change the current process.

Mr. Swackhamer: Don't you think it might be well to consider cleaning it up somehow to say "if over 200 words, etc.?" We would have an escape clause.

Assemblyman Crawford: Couldn't you say on the sample ballot "Refer to the text, etc.?"

Assemblyman Ford: On the sample ballot, but what about the official one? I think there would have to be some provision.

Sections 8 through 15 is an elaborate process providing for the presentation of the arguments, not to exceed 500 words, that shall be included in the ballot pamphlet. (It says Secretary of State shall receive these arguments, though it was my intent it be the Legislative Counsel.)

Chairman Foote: This is McClusky's problem.

Assemblyman Ford: I suggested there be some general language by which the Legislative Counsel shall prepare procedures, and methods by which pros and cons and rebuttals may be prepared as part of the ballot, and these procedures be approved by the Legislative Committee. At this point, I feel I should turn it over to Clint to give his explanation.

Mr. Wooster: I think you will have to go through it at some point as to how this is going to be done. This is a condensation of California's provisions as to how it is done there. It is much shorter than California's. I think California's experience has been there should be some firm basis in the law as to how the pro and con arguments are written, who writes them, who has the ability, etc. If that is the judgement of the Legal Counsel, I think that would be a big improvement. Even with the Commission, who is 12 members of the Legislature - if it isn't written in the law, it is my opinion you are going to invite lawsuits because no matter how fair you try to be you are going to offend some group. One group will feel they should write a pro argument, etc. - you get these competing groups. California feels it should be done. We think, though condensed, you allow some small area of discretion but you reduce the area. If this pamphlet is to be sent by the State at State expense to every registered voter, you have to establish some firm procedures and the only place it can be done is in the law. You then give people a free shot at preparing their arguments at State expense and that is a very valuable ability. If you don't have these firm procedures in the law, in my opinion you are making a big mistake. Mrs. Ford's original feeling was for the Legislative Counsel to do this. I discussed with her the experience of California and I realize she still feels this is rather lengthy but I think it is at least workable and the outline of how things should be done to present these pro and con arguments.

Chairman Foote: Any questions?

Assemblyman Vergiels: Are we going to have the bill cleaned up?

Assemblyman Ford: That is the purpose of our discussion today.

Assemblyman Vergiels: Why couldn't the members of the Legislature in both houses probably, because anything that gets on the ballot has to go through both Legislatures - why can't those who are pro write the pro arguments and those who are con write the con argument?

Mr. Wooster: That's what we have tried to set up. Of course, I think, as they found in California, to simply do that and nothing more is a great mistake because some Legislators don't care to write the argument and, therefore, you have to have some contingency. If they don't choose to, we can go to various members, etc. I think that is basically the California system and basically what we have tried to do in this particular section.

Assemblyman Ford: In going through two Sessions, you begin to learn through gist to minutes, etc. who the proponents really are so the Legislative Counsel can choose three of each side to write a 500 word statement and write the arguments on the side he supports, so you are not choosing just one. I'm not sure how California chooses 8 through 15, how they set the requirement of this bill, when the Legislature doesn't pick up the ball how they get such diversified groups as listed to prepare the statements.

Mr. Wooster: It seems to me you are going to have an attempt possibly made to prevent this appearing on the ballot. One way a group does this is sue somebody---the ballot is incorrectly prepared, law not followed, etc. The more discretion you allow, the more general openings, the more room they allow for this.

Mr. Swackhamer: What you are trying to do is inform the voters. That is basically what this is about. Are you really informing the voters when you send them a volume like this? Have you an idea that people read it? I can't expect busy people in California would take time to read it. I'm not trying to low-grade the idea because I believe in it, but is it worth the effort? Has California made an effort?

Assemblyman Ford: I don't know, but I've had many people come to me last fall and ask why don't we have something like California and they read California's.

Mr. Swackhamer: I believe I might read the condensation, and this is somebody's opinion, not the bill itself, and I would like to raise the question for the Committee to consider - are you actually doing what you think you are? If we had 7 questions - that is the average number - we would have approximately a 28 page pamphlet. A 28 page pamphlet, in my opinion, would frighten off 98%.

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Mr. Haller: In 1967 they put out a pamphlet which included Canada, also, and the group I was with were proud of it. You don't have to spend as much money as the candidates.

Mr. Swackhamer: Would the State pay for this?

Mr. Haller: Yes.

Mr. Swackhamer: When I raised the question, I didn't have the answer and I wasn't sure if anyone could tell me. I was just hoping we wouldn't be involved in an exercise of futility.

Mz. Amoral: As a resident of California, I used to read this and you have some information to base your vote on.

Mr. Swackhamer: Did you read the condensation or the entire text?

Mz. Amoral: I read the condensation, then the text.

Mr. Wm. Foote: I think it is very good. I haven't heard anyone who I have had contact with that didn't read it. As this lady was saying a little while ago, three of the members on there are generally taken from your Assembly and Senate, then pro and con arguments are prepared. I've been down there 11 years and I think it works out very good down there.

Assemblyman Ford: If every voter read every word, it would be a tremendous help - a first class attempt to give everyone information on which to base his vote. Some people do their own research and in giving a reason why they are supporting certain legislation, their reasons are based on inaccurate information.

Mr. Swackhamer: How to get that pamphlet constructed is a problem. Also, I would like to make a point to have it more condensed than this. It would be better received by the public.

Assemblyman Ford: The last part of the bill simply provides there would be by this process legislators prepare arguments for and against up to 500 words and if they choose not to, procedures are set up for voters or group of registered voters to prepare such arguments. Upon receipt of these, it is sent to the printers, the secretary of state shall provide each county clerk with a sufficient number of the ballot pamphlet to be mailed to each registered voter, etc.

On the last page it provides, under the present law, it be published three times at intervals in newspapers. What we had thought was, if we are going to provide this information to the voters, we wouldn't have to publish it three times, but print it only once. The question has been raised the constitution requires it be printed three times in the newspapers in the case of an initiative. I believe we will have to provide here that in a case of an initiative it will have to be printed three times in the newspaper. In the past, we haven't had many initiatives in the state and it shouldn't be a big problem now.

In the last part, we might need some clarification of the mailings. I believe we should say the cost of the postage for the mailings of the pamphlet.

Those are basically the amendments I would propose.

Assemblyman Huff: Who would do the choosing if the legislators didn't choose to? And would we open ourselves to litigation?

Mr. Wooster: We are just providing some guidelines, starting with Section 14. In the case of a measure submitted by the legislature, members of the legislature would be given first priority; in the case of arguments for adoption of an initiative or referendum measure, the proponent of the petition is given 2nd priority; if you know who these groups are, bona fide associations of citizens are given 3rd priority; then the individual voters.

Assemblyman Ford: If none of these choose to, then you would prepare a general press release requesting this be done.

Mr. Swackhamer: How would you propose to do that?

Mr. Wooster: We questioned this, too. We went to California and this is how it was done.

Mr. Swackhamer: Do you call the newspapers in, or advertise through the whole State?

Mr. Wooster: Send a press release to every newspaper in the State should suffice.

Mr. Swackhamer: What I mean to say is not that it wouldn't suffice, but does it invite a lawsuit if we choose the wrong one to write the newspaper article to the press release? Isn't there any one interested person to make the presentation, be the speaker?

Assemblyman Ford: No, it isn't in here.

Mr. Swackhamer: We have two problems for litigation - when the officer of the Senate responds and when the Secretary of State chooses, when more than one argument against any measure is filed. Do you know whether this has been challenged in the state of California, Calint?

Mr. Wooster: No, I don't know.

Assemblyman Ford: I agree, I'm not particularly fond of that language, either.

Chairman Foote: Would it be of benefit to have some correspondence with people in California?

Mr. Swackhamer: If you want me to, I could call up the Secretary of State in California tomorrow.

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Chairman Foote: I think it would be a good idea.

Assemblyman Ford: Ask him how some of these interesting combinations of people got together.

Mr. Swackhamer: What concerns me is what if more than one interested group was interested. I would be more interested if the Secretary of State didn't have to make this selection. The reason there are two or three interested groups is because they do not agree. Even within a group there are divisions of authority.

Assemblyman Ford to Mr. Swackhamer: Should we accept your offer on Section 15?

Chairman Foote: I think that would be beneficial.

Assemblyman Vergiels: Could you check with Ken Haller on his group, too?

Mr. Swackhamer: I will be glad to do that.

Assemblyman Vergiels: I would like to go into the publishing analysis.

Assemblyman Ford: Based on a pamphlet like the amendment pamphlet, based on the size and length of the 7 questions we had last time, they felt it would cost \$18,305. This analysis (copy attached) gives a very interesting breakdown of the printing costs throughout the State. The total cost would be \$38,500 for publishing, printing and mailing. In addition, they estimated it would cost Legislative Counsel \$130 labor involved in the administration of this. If we were to go as we have proposed in the bill, you only need to publish once unless there was an initiative on the ballot. That would reduce the cost within the \$18,000 considerably. That gives us a general estimate.

Chairman Foote to Mr. Swackhamer: What do you think the newspapers would do if they get only one publication?

Mr. Swackhamer: They will scream like a bloody eagle. If you inform the people, you are doing your job.

Assemblyman Ford: I would like to point out this is a cost to the State, not the county.

Assemblyman Huff: These printing figures - I'm glad I run in Clark, not Douglas.

Mr. Swackhamer: I talked to the printer and he feels in Washoe and Clark they were using a lot smaller type than legal. Also, I believe in your mailing cost it is a little low.

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Assemblyman Ford: That is my report in essence.

Chairman Foote: I think it needs much more consideration than we can give it today.

Assemblyman Ford: Are there any basic objections today than those I suggested?

Assemblyman Huff: The one where we can run into litigation.

Mr. Swackhamer: I think by the simple time table we have to have these ballots in the hands of the people by a certain date. Couldn't we get the thing drawn so the Supreme Court could have original jurisdiction instead of having it on appeals and follow it up?

Mr. Wooster: I think it is something we can do,

Mr. Swackhamer: Maybe we can figure out something so we won't have these problems of jurisdictional action, so we won't have to go beyond one deadline after another.

Mr. Wooster: I have a further comment. I think the 3 or 4 amendments you offered are good ones and will tighten up the bill. I think the only question then really is a basic one. If you want to go into these pro and con arguments in the pamphlet, the only thing I can say is you should prescribe in the law how you should do it. Regardless of whether it is the Secretary of State or Legal Counsel, you should have some guidelines. That is a tough one.

Mr. Swackhamer: You do suggest mailing be changed to postage?

Assemblyman Ford: Yes. While they are here, we have not solved what we would like to propose - if nothing is done by this bill, if we pass this bill, Mr. Swackhamer believes it would be more appropriate in Clint's office.

Mr. Wooster: I like the ability to go to another commission if 25 words will not do it. It is practical and helpful. It's tricky to take a complex question and summarize it in 25 words.

Mr. Swackhamer: The only real problem is the space on the voting machine.

Mr. Wooster: 25 was not a magic number. In my experience in Reno, they could still get it in that space.

Chairman Foote: If nothing more could be done on this, we will do more work on it. I appreciate Mr. Swackhamer's ability to be here. You are invited to come anytime.

Mr. Wooster: I won't go ahead with these amendments until you let me know what the group's decisions are.

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3. Mr. Haller: One question. The bill re: soliciting votes 1000' on the other side of the street. What were you thinking about? Not a bad idea if you can do it.

Chairman Foote: Mr. Banner handed me a letter from the City Clerk of Las Vegas. It was her suggestion to put, instead, "1000' of the boundary line of the place where the polling place is located."

Mr. Haller: It would seem a little odd to me.

Chairman Foote: Re: the amendments to 55. It seems some of the wording of the amendment incorporates the wording of a new bill.

Assemblyman Gojack: It was my intention that it be a separate bill and I don't believe it should belong on this. I think it is a mistake.

Chairman Foote: Why don't we bring this up at the next meeting and ask it be removed from here and submitted for Committee Introduction?

Assemblyman Gojack agreed to this suggestion.

Assemblyman Ford: Could you have copies of the amendment for our use at the next meeting?

Chairman Foote agreed to furnish copies of the amendment to each member.

4. ADJOURNMENT

Meeting was adjourned at 5:10 P.M.

Minutes respectfully submitted by
Marion Smith
Assembly Attache

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LEAGUE OF WOMEN VOTERS OF NEVADA

(Statement to Assembly Elections Committee -in support of A.B. 366)

As an organization whose purpose is to encourage informed participation in their government by all citizens, the League of Women Voters of Nevada believes that information and knowledge on ballot questions is necessary in order to have a responsible vote on these issues. The League has in recent years led this effort in informing the public on some ballot questions as part of its public service. We feel that it should be a function of State government to assist in the widespread dissemination of information, both pro and con, on statewide measures on the general election ballot. We urge your approval of A.B. 366.



Anne Roberts, for

League of Women Voters of Nevada

March 8, 1973

Name	Organization
Anne Roberts	League of Women Voters
Anne Amara	Self.
Kew Hall	- WC Demo. Club.
William G. Foose	1535 Wood St Richmond Cal
W. S. Sullivan	Sec of State

M. Wooten

Silva Maness + daughter Penn.

AGENDA FOR COMMITTEE ON ELECTIONS

Date 3/8/73 Time 4 - 5 PM Room 328

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
AB 317	Enables county clerks to recover costs of publication of constitutional amendments from the state.	
AB 366	Provides for preparation and distribution of ballot pamphlet relating to statewide measures on general election ballot.	

*Please do not ask for counsel unless necessary.

SCHEDULE OF COSTS BY COUNTY FOR PUBLISHING SPREADSHEET MEASURES IN 1973

ANALYSIS OF AB 366

Prepared by	1/3002/1973
Initials	
Date	
Approved by	

COUNTY	AMOUNT
CARSON CITY	\$ 90120
CHURCHILL	106540
CLARK	34705
DOUGLAS	130060
ELKO	140980
ESMERALDA	169960
EVANS	133560
HUMBOLDT	113053
LANDER	169960
LINCOLN	48374
LYON	57680
MINERAL	128240
MIYA	169960
PERSHING	126140
STOREY	21280
WASHOE	83550
WHITE PINE	106420
TOTAL	\$ 1830582

AB 366, SEC. 19 ACQUIRES THE STATE TO REIMBURSE THE COUNTIES FOR PUBLICATION COSTS OF SPREADSHEET MEASURES.

AGENDA FOR COMMITTEE ON ELECTIONS

Date 3/13/73 Time 4 - 5 PM Room 328

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
AB 396	Increases certain penalties for violation of election laws from a misdemeanor to a gross misdemeanor.	
AB 397	Provides for primary elections in August.	

*Please do not ask for counsel unless necessary.