

NEVADA LEGISLATURE  
ASSEMBLY

178

57TH SESSION

COMMITTEE ON ELECTIONS  
MINUTES

DATE: Tuesday, April 3, 1973

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

ABSENCES: Smith

GUESTS:	<u>NAME</u>	<u>ORGANIZATION REPRESENTED</u>
	Barton Jacka	Chief Deputy Sheriff, Clark County
	Joe Parr	Lyon County Clerk
	John Poli	
	Bob Griffin	Lyon County Comm.
	Richard Williams	Carson Demo. Cent. Comm.
	Bill Swackhamer	Sec. of State
	Joe Dini	Assemblyman
	Jan MacEachern	League of Women Voters of Nevada
	Charlie Waterman	District Attorney, Mineral County
	J. Ullom	Assemblyman
	Vaughn Smith	Carson City Clerk
	Jim Shields	Self

Meeting was called to order by Chairman Foote at 12:10 P.M.

1. AB 718

Bob Griffin, President of Nevada Association of County Commissioners, spoke for Lyon County and for own personal interests. He read the resolution supporting a senatorial district encompassing Churchill, Lyon and Mineral Counties (copy attached). (EX. I)

Joe Parr advised he supported Mr. Griffin's position.

Some of the personal remarks by Mr. Griffin: Is a rancher, member of the Farm Bureau and past member of Cattlemen's Association. If the water is cut off, the livelihood is cut off. Certain waters of Walker River encompasses both Mineral and Lyon counties; upstream storage is Topaz Lake; land between the three counties was turned over to the State as a State park; Walker Lake is enjoyed by all three counties and the rest of the people of the State for boating and fishing. Mining is the strongest point at this time. Along borders of Mineral and Lyon counties there has been an explosion - one of the largest in Nevada if not in the United States. Expected expenditure, between \$500-750,000,000 invested before taking out one pound of ore, which definitely ties the two counties together - would feel much better if this mining operation was represented by one senator.

Both Mineral and Churchill counties have military bases. Air pollution - have tried to control it and feel these three counties are united. Main principals of reapportionment would be land and water uses and common interest in BLM and grazing permits of the cattle interests. I recommend you adopt 715. If you do not see fit to adopt it, I would like to see it remain as it is today.

Assemblyman Ford: The Supreme Court believes there should be some realignment. Is your stand a criticism of the Supreme Court?

Mr. Parr: One vote, one man concept. In a recent case of the Supreme Court in Virginia, they did allow up to 16% parity of population due to fact they were allowing county identify.

Chairman Foote: In the bill drafters' office, we looked at the map and this situation does not fall easily the law one man, one vote; they make it almost impossible to make many changes in this area.

Charlie Waterman, District Attorney in Mineral County: In regard to the senatorial district set up by 718, we have not had time enough to study thoroughly the district proposed. We do feel our interest lies with the Walker River Basin. However, the interests in this Basin have not been protected. It is interesting to hear someone from Lyon County protecting lakes. The agricultural interests in the upper Basin counties have diminished 100 vertical feet of water since the turn of the century. The mining they are talking about in the future would further delete water from Walker Lake. We feel this bill is absolutely, totally, and completely unacceptable to us. Mineral County in the past has been the whipping boys for all reapportionment plans. We think this is totally unacceptable. To us, the Assembly portion of the plan cuts into several districts and takes whatever political power we have away from us. The enumeration district lines do not make it impossible to determine reapportionment. It was accepted in the courts at the 5th district line. I have been advised by the Chairman of the Mineral County Commission that as far as the Assembly portion is concerned, they would like time to draw our own plan. Within three days, we would have a plan drawn up.

Assemblyman Ford: Why haven't you done this before now?

Mr. Waterman: I was notified at midnight last night this hearing was today. We cannot accept this plan at this time and are willing to draw our own plan within three days if this Committee will accept it.

Joe Dini, Assemblyman and sponsor of bill: This does meet the requirements of court order as far as disparities are concerned. I don't think this is the absolute avenue that has to be used. Any reasonable amendments will be acceptable in my opinion. I thought the line between Lyon and Mineral was the best avenue to take. They all have mutual problems of decreasing lake levels and

Assembly

COMMITTEE ON ELECTIONS MINUTES

Tuesday, April 3, 1973

Page 3

water polution. I think the mining aspect is something to be considered in the future but don't believe it will come in until about 1980. I believe the social and economical base of Lyon and Walker are very closely related. I present the plan for your consideration. Document the plan and discuss it so if the Committee does not go along with the plan the court will be able to review it. I feel the court will allow us to remain as we are and we can live with those districts for another six years. We have had a census now; the realignment would be different than we have here. Had the court allowed us to use the projected growth, the rural counties would be allowed another man. I didn't agree with the plan at the last Session but because of the Senate action we were unable to adopt a 22-24 man representation. It is impossible for one man to represent that kind of area. Numbers mean a lot to some people when they reapportion but I think there are other factors to be considered. I want you to give this plan fair and square consideration with any plan that comes over from the Senate.

Assemblyman Ford asked Mr. Waterman his feeling about living with the districts as they are now. He said it is much more acceptable than this plan.

John Poli: There are about 250 farm families in that area and they all feel one senatorial district is very important because the waters of Carson, Truckee Canal all run through our district and we have to have communication between these three counties. One senatorial district would be very valid.

Vaughn Smith: I hope the courts leave it like it is. It is much less trouble for county clerks.

Chairman Foote: Mr. Waterman, if you would like to present a plan to us, we would be very happy to see it. I agree with some of the remarks. There is a need for communication and I am happy for Lyon County to say that. I also agree with the fact we have considered Mineral County becoming part of a council of government to conserve what we believe to be our natural resources.

2. AB 662

Chairman Foote read the bill for the benefit of the committee and guests.

Mr. Williams: The aim of this bill is to reduce the number of delegates to a State Convention so we in the small counties can have it easily. The way we did this was to increase from 150 registered voters required per delegate to 250. This would knock down Clark tremendously and Washoe County but in proportion to the small counties would still leave them in control as it is now but would give Esmeralda and Eureka additional delegates. Winnemucca had the last small county convention and they had at that time over 600 people. That is about the maximum they can have in

Assembly

COMMITTEE ON ELECTIONS MINUTES

Tuesday, April 3, 1973

Page 4

161

Winnemucca. Elko can have a little more. In Carson City, we are trying to have a Democratic Convention here. There are over 1,000 delegates. It would swamp the whole facilities in the city as it is now, so this would cut down the number of delegates.

Assemblyman Huff: It is for the purpose of physical facilities to handle the number you are handling now?

Mr. Williams: That is true. The Chairman in Clark might have 300 he wants to put on the list instead of 750.

Mrs. MacEachern: I am curious what this does in essence - it cuts down the number of representation in the two larger counties?

Mr. Williams: It cuts down the total number of votes they have. It cuts down everyone instead of just the large counties.

Mrs. MacEachern: Do you feel as far as the parties are concerned it is good to cut down the voices or spread the delegation?

Mr. Williams: If you sprung the delegation too much, it doesn't hurt too much. I think for future consideration, perhaps in the next Session, they are going to cut it down even more - one delegate for each 500 to make it physically workable.

Chairman Foote: Those from the State Democrats who have talked to me are not opposed to this bill.

Assemblyman Gojack: What are the county chairmen's feeling on this?

Mr. Williams: I intended to talk to the State Chairman personally but he was worried about other matters at the meeting.

Chairman Foote: I heard from Bob Van Wagner and he thought it was a good plan. Phil Carlino gets copies of the bills because I send them to him.

Vaughn Smith: I am wondering about the numbers Dick is talking about. I just computed the number of delegates Carson now has and they would have double. Maybe the 500 he was talking about is more feasible than 250. If you talk about broader base, more participation, more involvement, I don't think you can have more efficiency and more involvement.

Chairman Foote: With the possibility of fractional voting, that is still a scary possibility. I would like to see that the fraction could be no more than one-half. At Walker Lake, they got down to 7/11ths of a vote.

Mr. Williams: At Walker Lake there were 18 people with two votes.

Assemblyman Vergiels: I don't think you can overcome the 7/11ths. I don't think this will make any difference whether it passes or not.

By handling proxies and fractional votes, they will work around it and won't have any effect on a convention held in Carson City or Yerington.

3. AB 755

Mr. Swackhamer: At the early part of the Legislative Session, the Governor asked me to see if I could get something like this enacted because he felt at least in the Democratic Party in the last registration the nominee was not the one the people wanted. He is concerned, therefore, to have some means where people can express their preference who the candidates are. Nevada was one of the first states to ever use the presidential preference in the 1912 primary. In 1953 we enacted another presidential preference in Nevada but in an effort to keep down the costs, coupled with the municipal elections, the result was the campaign was stretched out so long the politicians themselves were up in arms and in the next Legislative Session it was repealed. In 1967 another presidential preference primary bill was introduced, based on a study made by the Legislative Counsel Bureau, and passed both Houses and vetoed by the Governor because one of the provisions would be the presidential election would be held two weeks earlier than New Hampshire, who is always the first one. This was the only basis for his veto because he felt the bill was good. There is where we stand as of now. Last August the Secretaries of State of Washington and Oregon called a conference with the people in the Pacific Rim. Mr. Koontz attended that and I have the records, minutes and data, at which time it was agreed they would try to establish a uniform date for the Northwest part of the United States. It does not include California. The date would be the same - the 4th Tuesday in May. The acts would be based on the election laws in those particular states. The reason for uniformity of date is they would be able to get the candidates physically in the Northwestern part of the United States to make themselves known and would be two weeks before California, which is the big state, and we would best be able to give the people in this area a chance to express their preference on the basis of being able to see and talk to the candidate. As a result of this conference a model bill was drawn up and was presented to us and is now AB 755. It has some things which should be called to your attention.

1) Page 2, line 16 gives the way these people can have their name placed on the ballot. This is by manner of petition and filed with the Secretary of State. The reason for that late date is the situation is pretty fluid. In January of last year Mr. Muskey was apparently the winner and by the time the election came around he was no longer with it, so the idea is to have it as close to the presidential primary as you can. At the same time, you have to consider the absentee voters. These people want to go to the 16th day but I think we should have at least the 20th or 22nd day to give the people a chance to vote.

2) Section 2, subsection 4 - they are indicating we should use a common ballot with names of all candidates of both parties. It has been called to my attention in the last election people lost their vote because they voted for opposite parties. I believe, therefore, it would be better to go to two ballots or cards. The five most critical points to be resolved are:

Date candidate is to get his name on the ballot.

How the candidates get name on and off ballot.

How the delegates are selected.

Correlation of delegates.

How long the delegates are to be committed.

If you have any questions, Mr. Art Palmer of the Legislative Counsel is quite knowledgeable about this.

Chairman Foote: One problem already pointed out to me by Jack McCloskey is page 3, line 34.

Mr. Swackhamer: The last section seems to cancel the first out, doesn't it? I don't know what that is about. I think if I had my way I would like to see this bill amended in any way you can to get it enacted into law at this time because I believe the people who are sponsoring the Regional presidential preference will have another meeting to iron out any difference, so if we can go armed with this bill we will have another Session to take care of this bill and we will be in a lot stronger position.

Mrs. MacEachern: Mr. Swackhamer has done a beautiful job of bringing us the history of this. This bill completely takes care of all individual parts of our position and we would be most happy to support this. We did have a question on the same section Miss Foote mentioned and I still don't believe it has been explained and wonder if we can find out what it means.

Chairman Foote: If you did not have a school or polling place and there is a need for two schools, you would have them consolidated.

Mrs. MacEachern: We do that now in Clark County in the Convention Center where several precincts go there now.

Mr. Swackhamer: What they are trying to do is cut down the expense since they have a short ballot, but it should be clarified.

Mr. Shields: I teach politics and I oppose the bill. I am just representing myself. In my understanding of the political parties and their role, I believe our system works best with a strong two party system and this bill will weaken the parties as parties because if you think about it, in a State Convention or National Convention you have some voice in decision-making as it currently

operates. If you take away from the delegates to the State Convention any influence or voice in the selection of the nominees of their party, then what kinds of people will then be interested in the State or National Convention? It seems to me you are taking away significant motivation within the party. I believe in responsible parties. I believe party activists should be concerned with what the average voters in their party believe, but they should exercise the judgement - the leaders of the parties in the Convention - and if you have a State party convention which cannot do anything about selecting the nominees of the party and can only write a platform, then what obligation does the presidential candidate have to pay attention to the platform of the party? None. (1) If you pass this bill, you are deleting the responsibility of the delegates of the State Convention - state party activists - and destroying the only significant role of the original party convention. We have 23 states now with presidential primaries. If every state passed presidential primaries, and there is a trend, then there would be no room for party convention. And parties are the one thing that holds the country together and I would like to see both parties strengthened instead of weakened. (2) If you have a presidential primary, aren't you increasing the role of the money and a sexy candidate - the man with a toothpaste smile? Television, media, and new campaign technology has a tremendous impact on the voters. Perhaps the voters are too susceptible to this. The man who has the most money to put in a fancy television campaign will have the easiest time carrying the primaries. He can buy the best public relations to sell him or her. In summary, you are increasing the role of money, decreasing the role of the people who are the power - the party activists. I would like to ask a question - does the bill provide for cross-over voting? I am opposed to this.

Vaughn Smith: I don't think it can be prevented.

Mr. Swackhamer: That is why I brought up the point of two ballots.

Chairman Foote: For that reason, this bill would have to be amended. I went in 1964 to a National Convention. I happened to be for the nominee so I was glad, but I don't feel at this time, as a Democrat, it is fair to say you were represented well or your neighbor was represented well by those in attendance at the Convention. I did think when the votes were cast in the general election this was proven, and it would seem to me if you did know how the actual people think you will get a more grass root opinion. The party activists are also people and have an axe to grind and it is very difficult to be unbiased.

Mr. Shields: If they choose to ignore the party, they get their fingers burned. Good examples are Barry Goldwater and McGovern. I feel this is a learning process for the delegates and it should be their responsibility. Otherwise, what would you have delegates to the convention doing?

Assemblyman Gojack: Do you think this is what is happening in states where they have no primaries?

## Assembly

COMMITTEE ON ELECTIONS MINUTES

Tuesday, April 3, 1973

Page 8

Mr. Shields: Yes.

Assemblyman Gojack: Do you have evidence?

Mr. Shields: People still go to conventions but vote on platforms.

Assemblyman Ford: It seems you are agruing against your own point. It seems you would get grass root involvement into the political processes. A presidential primary would allow a broader base to make that decision.

Mr. Shields: You have several people in politics - the voters and the activist. The activist who knocks on the door is not the typical voter. You have to have some incentive. If you take away the incentive you take away the reason for participating in politics.

Assemblyman Ford: It seems the presidential primary would give them a greater opportunity.

Assemblyman Gojack: This is the whole trend, anyway, and we aren't going to change technology.

Mrs. MacEachern: I am for the closed primary. If this doesn't provide for separate ballots, I would like to bring that to your attention. In Wisconsin where I grew up, it is open. The candidate you vote for is the weak candidate in the opposite party so your own man doesn't have such a bad time. So long as you have to register by party in Nevada, it should be a closed primary. The media would have as much influence on the delegates as it would have on the voters.

Vaughn Smith: On page 2, line 3, regarding the petition to get a candidate into the primaries, it appears we would maintain a two party system and wouldn't have room for three. I don't think this is right, either, because we would eliminate anybody except people who are candidates or anyone at the last election, which would give no one new on the ballot.

Mr. Swackhamer: Vaughn could be right but I don't read it that way. However, if that is true, it should be changed.

Vaughn Smith: Line 16, how do you get this on the ballot?

Mr. Swackhamer: The reason for that is to get it as close to the presidential primary as possible.

Vaughn Smith: Page 3, Section 8, line 25, it allows 30 days and over here we are already two weeks late, so our thinking is bad.

Mr. Swackhamer: What do you suggest?

Vaughn Smith: I think we should have a couple of weeks. I believe that should read at least 45 days to do this.



Assembly

COMMITTEE ON ELECTIONS MINUTES

Tuesday, April 3, 1973

Page 9

186

Chairman Foote: Could Vaughn and Mr. Swackhamer get together and work out the time problems? It is a problem, I know.

Mr. Swackhamer: If we do it this afternoon and get it back to you tomorrow morning -- ?

Chairman Foote: That would be fine.

Assemblyman Ford: I would agree to amend and Do pass with the idea of appointing a subcommittee and bring back the amendment before we send it out.

Assemblyman Vergiels: Seconded.

Assemblymen Gojack, Huff, Ford and Vergiels in favor.

Assemblyman Ford: I would personally like the closed primary. Should we instruct the subcommittee to look at the bill in that light?

Mr. Swackhamer: I believe we would have to look at it in that light.

Vaughn Smith: My only other point is the separate ballots, which I think are necessary. Also correct the polling places.

4. Bill No. 842

Chairman Foote advised this bill was introduced by Mr. Ullom regarding single district senatorial districts. It is a skeleton bill.

Action taken as follows:

Bill No. AB 842 Date: March 26, 1973  
 Sponsor: Mr. Ullom  
 Subject: Creates additional single-member senatorial districts.  
 Committee Action: Assemblyman Vergiels made motion to Do Pass and  
 Date: 4/3/73 amend.  
 Seconded by: Assemblyman Huff

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 and Amend.

Date: 4/3/73

5. Bill No. AB 627 Date: March 13, 1973  
Sponsor: Mr. Dreyer  
Subject: Amends provisions concerning jurisdiction over distribution of ballots to precincts and districts.  
Committee Action: Assemblyman Ford made motion to Do Pass.  
Date: 4/3/73  
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: Do Pass.

Date: 4/3/73

6. AB 366

Assemblyman Ford has proposed amendments for this bill and it will be taken care of as item one on the agenda at the next meeting.

7. ADJOURNMENT

Assemblyman Huff made motion for adjournment. Seconded by Vergiels. Meeting adjourned at 1:30 P.M.

Respectfully submitted by  
Marion Smith  
Assembly Attache



BARRY TACKA → of W. by ...  
Joe Parr Lyon County Clerk

John Poy  
Bert Linn Lyon Co - Comm  
Richard Williams Carson Demo Cent. Comm

Bill Swackhammer. Sec of State

Mrs Joe Dini

Mrs. Mart Ackard

Wetmore

Wiley

V. Smith

Jim Schild

ASSEMBLY

AGENDA FOR COMMITTEE ON ELECTIONS

19

Date 4/3/73 Time Noon Room 328  
(12 - 1)

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
AB 627	Amends provisions concerning jurisdiction over distribution of ballots to precincts and districts.	
AB 758	Prohibits write-in voting.	
AB 755	Creates presidential primary election.	
AB 718	Provides for reapportionment of Carson City and rural county legislative districts.	
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.

Mary Lou  
needs copy  
of minutes.  
this morning,  
for Mr. Dine

Love

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

Compliments of



LaDonna Moore took the message that Mary Lou  
needs a copy of these minutes for Mr. Dini.

Do you want me to have an extra copy run to  
comply with this request and deliver them to  
Mary Lou?

OK M.A.

RESOLUTION SUPPORTING A SENATORIAL DISTRICT ENCOMPASSING  
CHURCHILL, LYON AND MINERAL COUNTIES.

---

WHEREAS, the 57th session of the Nevada State Legislature is giving consideration to various reapportionment plans that will have a direct effect on the citizens of Lyon County, and

WHEREAS, there are common interests between Lyon and Churchill Counties in that both are served by the Carson River, and a common interest exists between Lyon and Mineral Counties in that both are served by the Walker River, and

WHEREAS, there are equally important common interests in recreation and tourism between Churchill, Lyon and Mineral Counties and

WHEREAS, there are agricultural and mining interests common to Churchill, Lyon and Mineral Counties, and

WHEREAS, there are close social and economic ties between Churchill, Lyon and Mineral Counties,

NOW, THEREFORE, BE IT RESOLVED by the Board of Lyon County Commissioners that it is the wish of said Board that the 57th Session of the Nevada State Legislature supports reapportionment that will create a senatorial district that would consist of CHURCHILL, LYON AND MINERAL COUNTIES, thereby creating a senatorial district that would retain county identities and that would serve the interests of all three entities.

Proposed by Commissioner Warren E. Lewis, seconded by Commissioner John Poli. Passed unanimously this 20th day of March, 1973.

---

ROBERT H. GRIFFIN, CHAIRMAN

ATTEST:

  

---

CLERK