

NEVADA LEGISLATURE  
ASSEMBLY

57TH SESSION

COMMITTEE ON ELECTIONS  
MINUTES

DATE: Thursday, April 5, 1973

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

ABSENCES: None

GUESTS:	<u>NAME</u>	<u>ORGANIZATION REPRESENTED</u>
	Robert Soma	Washoe County Management Info Servic
	Bob Best	Nev. State School Boards Assn.
	Jan MacEachern	League of Women Voters of Nevada
	Vaughn Smith	Carson City Clerk
	David Howard	Washoe County, representing Harry Brown, County Clerk

Meeting was called to order by Chairman Foote at 12:15 P.M.

1. AB 778

Chairman Foote read the bill for the benefit of those present and stated an amendment was suggested to her that it be changed to read plurality of registered voters or voter popularity. The consensus was this was worse. Mrs. MacEachern asked if there was an objection to this wordage and Assemblyman Smith advised her there were several city charters that said "the majority." Vaughn Smith submitted the following comments to Chairman Foote, who read them for the benefit of those present:

"The Primary is intended to select two or more candidates from which a choice is given to the voters and one candidate is then elected for each office in the General Election. No place in the election processes does it provide that the Primary is anything more than a means of selecting the best candidates for a runoff in the General Election. The Primary should not elect the final candidate. For example: In the Carson City Primary 1972, three non-partisans were filed for school trustee Dist. 5. Registered voters totaled 1259, Number voting were 710, this was a percentage of 56%. Candidate A received 188 votes, or 26.47%; Candidate B received 139 votes, or 19.57%; Candidate C received 383 votes, or 53.94%.

"Candidate C received 53.94% of the votes cast and "only his name was carried forward to the General Election." The 383 votes he received amounted to only 30.42% of the registered voters. (Of course, everyone should have voted!) But what do you say to the voters who registered after the Primary? 263 voters were in this category. (Perhaps they might not be well informed??) The law says they are entitled to register and vote -- but here are 17.28% of the voters of the district who were deprived of their legal rights. (And the outcome of the General Election could have been much different!) Any arguments presented so far that favor this bill seem to reflect only "cost of campaigning." If this is important in getting the best candidate - and the top candidate thinks he has it won - he can stop campaigning."

Mr. Smith stated he felt very strongly the Primary should not be the final election, whether it is non-partisan or partisan. He stated he disagreed with this bill. When it is a close race, the rights of the ones who aren't registered at the time of the primary is important. Mrs. MacEachern stated she felt his last statement had some validity.

2. AB 782

Mr. Howard: We have just recently adopted this system of voting and until Clark County adopts this system we will be the largest users of this system and that is why we are here today. We have never used this system in Washoe and I think Carson City County and Douglas counties are the only two counties to have used this system to any extent. Mr. Brown asked me to ask you to let this bill expire at the committee level because within this bill are schedules and regulations set forth we are not sure we can live with until we have had election experience. This bill was written, I understand, by Ed Sharnoff, who is the salesman for the bill from Berkley, California. You will see much of it has been transposed from the election bill from California into this bill. I am not sure this is right. To be completely honest about it, I have observed elections in Los Angeles and Berkley and I am not sure all the procedures they use are adaptable to Washoe and Nevada; and until we have a major election in '74, I don't think we are ready to be held responsible for or live up to the things required in this bill. Therefore, I would just as soon wait until we have had a major election with this system. Carson City and Douglas used it in the last election with no problems as far as the law is concerned. Also, the regulations in 293.247 state the Secretary of State is the one who is supposed to provide rules and regulations like this bill is presenting forth. It would be my suggestion that after the '74 elections the counties involved with this type of voting system meet with the Secretary of State and then write out something like this, let the counties involved state their experiences and problems. I think I will let Vaughn talk to a point of having something in this law to make the system legitimate. I think we should wait on this kind of legislation.

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Vaughn Smith: I am wondering if we shouldn't make some provision for an escape clause for the reasons it is impractical for your own use or you might deviate and just record what you have done.

Mr. Howard: Most of the language to this bill is "shall" and very few "mays." That's fine but when you are under the gun at election time you may not be able to "shall" anything.

Assemblyman Ford: It seems to me the Secretary of State must approve the voting machine anyway; he may be able to clarify anything that came up.

Chairman Foote: I'm sure when the Committee was willing to introduce the bill, when the proposal came to us Hal was under the gun on the voting machine and I thought we could put something in the law to settle problems before they arose, but if it is tying your hands as it is now, it is too severe.

Mr. Howard: This system has already been approved and it does have legitimacy but what I am opposed to is setting forth procedures of detailed work going on in your polling places which we cannot foresee now until you get the system into effect. Then you will know what procedure you will need. But to say in advance of an election "this is the way you are going to do it" when you might find after the election it should be done differently -- Carson City and Douglas will have another election with this system and after the '74 elections we will have a lot more experience and will be able to set forth suggestions to the Secretary of State so he can take care of what is in his domain. I've watched this system in operation in Berkeley and it works very well, but it takes a little experience. A primary and general election will tell us what we will have to do and not have to do. I would like to recommend you do away with this bill, please.

Vaughn Smith: I agree with Mr. Howard. We need something in the law. We do have two systems in the law now. We use three methods now -- the monster machine, the paper ballot, and the punch card system -- and we will have to have something in the bill to take care of that. This bill has so many things we don't need. Until we do need them, I think we should steer clear of them. It's lots more work, time-consuming and a useless procedure. There are some good things in it and some very questionable things. They want to appoint about six different boards to handle this procedure. The Clerk isn't going to be there to direct anybody. The Election Board has received its instructions and will handle it. It is utterly impossible, so there are many, many things that need to be stricken. But it needs a fine tooth comb. I think at this point in legislature it isn't possible to revise it to be workable. I think we are completely dependent upon the Secretary of State's regulations. He has approved the system and anything questionable he has jurisdiction of and I think we should leave it there, or - better yet - take the election law in the Nevada statutes and add to it as necessary. I think that would be better.

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Assemblyman Smith: We could use this language to clean up the language of 293.353.

Assemblyman Ford: Question: On the basis of Carson and Douglas, could not the Secretary of State promulgate some basic safeguard type rules until the next Session until we could come up with something to put in the law?

Mr. Howard: At an earlier meeting, Mr. Swackhamer requested after the Legislature finished and the elections laws passed all the clerks meet with him again to work on the new '74 rules and regulations. I think at that time we could put something in here for the punch card system.

Bob Soma: We have some things in this bill we are concerned about and I, too, observed California elections and am impressed with the punch card voting system - the speed, getting tallies out, etc., especially in the absentee area. We also believe that an Accuracy Certification Board is a good idea. I saw it work in Ventura. It relieves us of some of the responsibility in supporting our programs. But where we do have concern is in sections 43, 44 and 46. "No sooner than 2 weeks prior to the election day, the clerk shall test the automatic tabulating equipment and programs to ascertain that the equipment and programs will correctly count the votes cast for all offices and on all measures." We go along with that. "The clerk shall give public notice of the time and place of the test at least 48 hours prior thereto by publication in a newspaper of general circulation." It says we are moving out and you can come into the computer room and watch these tests. Section 44 says the tests prescribed in Section 43 and 46 of this act shall be conducted by processing a preaudited group of logic and accuracy test ballots so punched or marked as to record predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment and programs to reject such votes." It sets forth what to do until an errorless count is made if an error should be detected and when satisfied with the accuracy of the computer program, the accuracy certification board and the clerk shall date and sign all reports, seal the program, the reports, and all test material in an appropriate container, and the container shall be kept in a sealed condition by the clerk. We go along with that. Section 46 states "A test ....shall be conducted immediately before the start of the official count of the ballots and again immediately after the official count of the ballots." And this will be open to the public. You can say the environment of the computer room is not as big as this room. We don't object to having to describe the checks under the certification of the accuracy board and have them go out somewhere in our adjacent area and advise all the public the tests were conducted, but when you get a lot of people milling around a computer doing this we may not get a count started, let alone completed. We believe there is a possibility of equipment being interfered with and possibly sabotaged. In Berkley they actually put out procedures on how

sabotage computer runs and polls. There are many ways people can come into a computer room and these are being published and it is recognized people who have this kind of desire to do this type of thing can.

Assemblyman Vergiels: Do you care if we kill the bill?

Mr. Soma: I don't think we need to kill the bill but some safeguards should be built into it. We would like to have security.

Assemblyman Vergiels called for question: Whether or not we defeat this bill.

Chairman Foote: All in favor of indefinite postponement?

Vote was unanimous.

3. AB 803

Mr. Best, Executive Secretary of Nevada State School Board Assn.: This bill is to change the election provision for school trustees in counties that have 1000 or less pupils in the school district, so this affects six school districts in Nevada. I think the bill was written in order to give the county seat more representation. As the law now reads, there are three different manners in which representation can be determined for the county seat and for the outlying areas. I think the only problem anyone has had in these six counties is the two counties where the county seat has less than 80% and more than 40% of the population. Once the population in the county seat exceeds 50% of the number of people within the county, then I can see where people in the county seat should have in excess of 50% representation. This law allows it to go up to 80% before the county seat can get another person to represent them on the Board. So I think we could probably satisfy whoever is interested in this by changing paragraph (e) to read 60% instead of 80%. I've talked to the superintendents of the schools in these six counties. The superintendents are satisfied with the law as it is now. But I do believe that possibly people in Pershing County or Eureka County possibly could be asking for change. Those are the only two counties that have in excess of 50% of their population in the county seat.

Chairman Foote: I understand the reason for the introduction of this bill is they have trouble with people running for the school.

Mr. Best: I couldn't substantiate that. I didn't talk to all superintendents in all six counties, but in Pershing County I thought the impetus for the bill came but I'm not sure. I really haven't found any push for the bill but it would be a little fairer if it were 60% instead of 80%.

Chairman Foote: I think I will ask Mr. Howard what his purposes were before we do anything about this.

Mr. Best: In these districts, they are voted on county-wide so they are representing the whole county in that respect.



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4. AB 55

Chairman Foote: Mr. Demers asked that we help 55 reach its early demise in Committee and suggested we pass out SB 162.

Assemblyman Vergiels: He didn't tell me. There is a problem how they are going to interpret how Lowman amended that bill so we'll probably have to get a ruling from someone down there if we can even introduce 55 now.

Assemblyman Ford: What does the amended 55 do?

Chairman Foote: It takes out lines 1 - 15 and says each candidate for county, city or state office shall file a sworn statement of his campaign expenses. (Mrs. Foote read the amendment in detail.)

Assemblyman Ford: I have questions about 162 if we are going to send it out.

Assemblyman Vergiels: I move we indefinitely postpone AB 55.

Assemblyman Ford: Seconded.

Action taken as follows:

Bill No. AB 55 Date: January 22, 1973  
 Sponsor: Messrs. Demers and Vergiels  
 Subject: Limits campaign expenditures  
 Committee Action: Motion made by Assemblyman Vergiels for  
 Date: 4/5/73 Indefinite Postponement.  
 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: 4/5/73

5. SB 162

Assemblyman Vergiels: Here's what happened. Mel Close told Danny to do what he wanted to with SB 162 and that he agreed with what Danny wanted to do with 55. In the meantime, Danny decided 54 was no good with 55 after Zel's amendments and there was only one thing he disagreed with on 162 was the provision Mr. McCloskey objected to. I think another thing was he had gotten all the publicity out of it he could get out of it. I tried to talk him out of referring it back to me.

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Assemblyman Gojack: What would it do if we amended the Section 4 out of the bill? Close did not agree with McCloskey on it and that is the one thing he did not agree with Danny on, on 55.

Assemblyman Ford: The value of this is if you have any check on the delegate you have to have some measure of checking the major expenditures and that is one of the ways to do it, through the newspaper advertising, etc. to keep records of what is being spent. Otherwise, the candidate himself could have intended to spend so much money and someone else came in to spend something to cause him to go over his limit. That is the value of the law. I am more in favor of disclosure than limit.

Assemblyman Smith: I am opposed to disclosure of any kind.

Assemblyman Vergiels: Move "Do Pass."

Assemblyman Gojack: Seconded.

Assemblyman Ford: There was some discussion about the Secretary of State making up a form which Mel Close didn't object to.

Action taken as follows:

Bill No. SB 162 Date: February 5, 1973  
 Sponsor: Senators Close, Foley, Neal, Bryan, Swobe, Young, Brown, Blakemore, Gibson, Dodge, Walker, Wilson and Echols  
 Subject: Limits campaign expenditures of state senators and assemblyman.  
 Committee Action: Motion made by Assemblyman Vergiels "Do Pass."  
 Date: 4/5/73  
 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: Do Pass.

Date: 4/5/73

6. AB 874

Assemblyman Gojack: A considerable number of questions put to me was can you put the sign on your own property? As long as the property is occupied, signs can be erected since the size of the property is not limited. It was felt a lot of this would be self-policing.

Assemblyman Smith moved "Do Pass." Seconded by Assemblyman Ford. Action taken as follows:

Bill No. AB 874 Date: March 28, 1973  
 Sponsor: Committee on Elections  
 Subject: Regulates election campaign signs.  
 Committee Action: Motion made by Assemblyman Smith "Do Pass."  
 Date: 4/5/73  
 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: Do Pass.

Date: 4/5/73

7. AB 656

Chairman Foote: I pulled this out of General File and put on Chief Clerk's desk. I was told by the bill drafters office that auditor and county clerk was one and the same and they felt there was no need for separating it right now and was advised against putting the amendment on about adding "auditor." So I will put it back on General File.

8. AB 366 (\* see Ex. I)

Assemblyman Ford: I have some proposed amendments. I have received back quite a variety of material from States who do this at this time but, unfortunately, we did not ask for their laws. The questionable part is Sec. 8 - 15 about the pros and cons and rebuttals, so we'll pass over that until later. Sec. 19 - I did not ask for this to be put in my bill. There is such a disparity in the costs that I would propose at this late date this would make the cost of the pamphlet \$20,000 or less whereas it would be \$38,000 if you pick up these costs and the Secretary of State does not have it written into his budget. I would suggest the county pay their own costs and the state pick up the postage.

Discussion of Sec. 8 - 15, pros and cons, problems of the mechanics:

Mrs. MacEachern: I would like to suggest if this is the first time the state is doing something like this, you start out this law by mailing the ballot pamphlet with the complete explanation to the voters and not try the pro and con and see how it works out, and next time add it if you think the ballot pamphlet is a good idea. I do have information from other states and there are various ways to do it if you do go into pro and con. In some states they have two different committees, legislative and Assembly, and they write the explanation and then they have a committee of three (Secretary of State chooses a pro and opponent and they choose a third person to be on a committee to write the pro and con). After the two people



have been chosen and if they cannot agree on the 3rd person, the Secretary of State chooses that one, also. In Oregon, they allow any person to send in pro and con and they choose the one to be used. They pay for the page and are allowed 500 words if the organization wants to pay for it.

Chairman Foote: Mr. Swackhamer advised some states who had this did away with it.

Assemblyman Ford: Oregon feels it is widely read and understood. They have candidates in it, also. I've had Legislators ask about the bill. I believe it is a popular concept. I don't object to the suggestion - I can see all kinds of comments on the floor about Sec. 8 - 15 and the procedure involved. Maybe the best way to go would be to have the pamphlet read as 5 and 6 and then the appendix would be the actual wording of the entire measure to be voted upon - that would still be of value without the pros and cons and it would be cheaper.

Mrs. MacEachern: The pamphlet put out previously by the Secretary of State has not been much help because it didn't have the whole law in and it was very difficult to get the copies. I think this would be a very wonderful thing for the voters.

Assemblyman Ford suggested maybe they should amend out Sec. 8 through 16.

Assemblyman Vergiels: It seems to me the pros and cons are the good things in the pamphlet.

Assemblyman Ford: I agree. But I haven't had time to come up with something earlier. Clint utilized the California law and says he will be open to court charges if we don't put it in the law who writes the pros and cons. I would be happy before the next Session to find out from Oregon and others about the pros and cons.

Assemblyman Gojack: This law would at least get us started.

Chairman Foote: I agree and would hate to see the whole thing go down.

Assemblyman Ford: A club, for instance, could at least say "bring your pamphlet and we will have someone give the pros and cons."

Mrs. MacEachern: With this pamphlet you know what is going on the ballot.

Assemblyman Huff: I make a motion Jean get amendments to this and "Do pass."

Assemblyman Vergiels: I do hate to see 8 through 16 go out. Ways and Means won't have much appetite for it if it weren't in it.

Assemblyman Ford: I'm for leaving it in.

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Chairman Foote: I'm not opposed to pros and cons. At this particular time I don't think it is a good idea. I think it would be best to pull that out and at least a skeleton would get through.

Assemblyman Smith: The best you could do with that is for the candidates to buy ads in it.

Assemblyman Vergiels concurred.

Assemblyman Gojack: My concern is until Jean or the Committee have had a chance to pull this together, we would get so many arguments on the floor we would lose the whole bill.

Assemblyman Huff: It's just like Hal says - if we don't get something done right here we will run out of time.

Assemblyman Gojack amended Assemblyman Huff's motion to exclude 8 through 16. Seconded by Assemblyman Huff.

Action taken as follows:

Bill No. AB 366

Date: February 21, 1973

Sponsors: Mesdames Ford, Gojack, Messrs. Smith, Crawford, Huff, Miss Foote, Messrs. Hickey, Banner, McNeel, Lowman, Bremner, Smalley, Ullom, Craddock, Hayes, Dreyer, Howard, Demers, Barengo, Bennett, Broadbent, Jacobsen, Ashworth and Torvinen.

Subject: Provides for preparation and distribution of ballot pamphlet relating to statewide measures on general election ballot.

Committee Action: Motion made by Assemblyman Huff for Jean to get amendments and "Do Pass." Assemblyman Gojack amended Assemblyman Huff's motion to exclude Sec. 8 through 16.

Date: 4/5/73  
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, with Assemblyman Ford to get amendments and exclude Sec. 8 through 16.

Date: 4/5/73.

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9. ADJOURNMENT

Motion made by Assemblyman Vergiels to adjourn. Seconded by Assemblyman Crawford. Meeting adjourned at 1:30 P.M.

Minutes respectfully submitted by  
Marion Smith  
Assembly Attache

P.S.: A majority of members of the Committee were polled to Amend and Do Pass AB 755. Those in favor were Assemblymen Gojack, Ford, Crawford, Vergiels, and Foote. Disposition: Amend and Do Pass.

*MS*

# COMMITTEE ON ELECTIONS

## GUEST LIST

4-5-73

<u>NAME</u>	<u>ORGANIZATION</u>	<u>REPRESENTED</u>
ROBERT SOMA	WASNOE County	MANAGEMENT WFO Sewie
Bob Best	Nev. State School Boards Assn.	
Jane MacEachern	League of Women Voters Nevada	
Vaughn	Parson City Clerk	
David Howard	Washee Co. Rep. Harry Brown	Co. Clerk
<del>John</del>		





ASSEMBLY

AGENDA FOR COMMITTEE ON ELECTIONS

Date 4/10/73 Time Noon Room 328  
(12 - 1)

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
A.B. 886	Enlarges class of counties authorized to create office of registrar of voters.	
S.B. 576	Provides guideline for determining size of election precincts according to voting methods employed in such precincts.	
A.J.R. 36	Memorializes Federal Communications Commission to prohibit broadcasting networks from releasing election returns prior to closing of polls in western states.	

\*Please do not ask for counsel unless necessary.

Proposed amendments to AB 366:

Pg. 2, line 44: Inset after "be" the words "in the form of a question"

Pg. 2, line 45: Add new sentence: "He shall also prepare a brief explanation of the question in language as nearly as possible that would be understood by the voters, to accompany the question on the ballot."

Pg. 2, line 46: Insert after "condensation" the words "and explanation"

Pg. 3, line 23: Insert after "condensation" the words "and explanation"

Sections 8 to 15: Change Secretary of State to Legislative Counsel

Pg. 4, line 1: delete and insert: Legislat-ive Counsel within 45 days sine die unless it is medeed earlier to meet the deadlines established in Sec. 3.

Sec. 19, new sub-section 4: In the event of a question placed on the ballot by an initiative, then publication procedure as stated in NRS shall be followed.

Sec. 19, lines 27-29: Delete last sentence regarding costs of publication.  
~~SECT 19 AB 366 THE WORDS "POSTAGE FOR" AND INSERT~~

Sec. 20 (3) line 43: Insert after "of" the words "postage for"