

SENATE COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS  
ASSEMBLY COMMITTEE ON ELECTIONS

JOINT HEARING

Minutes of Meeting - - February 14, 1973

A joint hearing of the Senate Committee on Federal, State and Local Governments and the Assembly Committee on Elections was held on February 14, 1973. Secretary of State, William D. Swackhamer, called the meeting to order at 1:00 P.M.

Those in attendance were:

James I. Gibson, Chairman	)	
Stan Drakulich	)	
John Foley	)	Senate Committee on Federal,
Carl F. Dodge	)	State and Local Governments
Chic Hecht	)	
Lee Walker	)	
Coe Swobe	)	
Margie Foote, Chairman	)	
Jean Ford	)	Assembly Committee on Elections
Darrell Huff	)	
Hal Smith	)	

Also present were:

William Swackhamer, Secretary of State  
Perry Burnett, Legislative Counsel Bureau  
Vaughn Smith, County Clerk, Carson City  
Ed Charbonneau, Computer Election Systems, Berkeley  
E. W. Thran, County Clerk, Minden, Nevada  
R. L. Lane, County Clerk, Elko, Nevada  
David L. Howard, Washoe County Clerk's Office  
H. K. Brown, Washoe County Clerk, Reno  
Alex Coon, Deputy Clerk, Washoe County, Reno  
Shirley Andreasen, County Clerk, Storey  
Stan Colton, Registrar of Voters, Las Vegas  
Grace W. Bell, County Clerk, Winnemucca  
Dick Lewis, A. Carlisle & Co., Reno  
Elliott A. Sattler, Attorney General Deputy  
Assemblyman Darrell Dreyer  
Press representatives

Secretary of State, William Swackhamer, called the meeting to order and explained that the purpose of the hearing was to hear testimony on pending legislation to do with the election laws of the State of Nevada. He then introduced Mr. Stan Colton, Registrar of Voters in Clark County, requesting him to come forward and testify on the National Conference of County Fiscal Officers.

Mr. Colton spoke first to the purpose of the National Conference held in New Orleans and sponsored by the National Secretaries of State Association. The sum and substance of the conference was that there are many problems to be solved on election laws, not only within the states, but also with pending federal legislation that might infringe upon the rights of the states.

The 1970 Bill of Rights amendment opened up voting to a point where an individual who was so inclined could probably vote 50 times, once in each state, and several times within his own state. Using the State of Nevada as an example, Mr. Colton said there could be a student who lives in Clark County, he's of age and is attending the University of Nevada in Reno. There would be nothing in the law to prevent this individual from voting absentee in Clark County and then walk into the polling place in Reno at the same time, if he so desired. This same type of problem exists from state-to-state.

The end result of the conference in New Orleans said this: Every state should establish the most uniform rules that the state can abide by and every county and voting district within that state should be uniform and abide by those rules. The rules should be set forth in general guidelines, by statute, and placed directly under the control of the chief elections official for the State. They further recommended that the chief elections official be the Secretary of State and that the Secretary of State would set up rules and regulations that would be flexible in the governing of elections and pre-election procedures. They need a certain amount of flexibility so that it wouldn't be necessary to return to the legislature every two years to have the statutes amended.

Within each state, it was the consensus of the conference, that there should be a central records keeping system of every registered voter. The State of Nevada is moving rapidly toward as much data processing as they possibly can. Clark County already has complete data processing. By using social security numbers as a cross-reference this data processing would indicate immediately whether or not a person was registered to vote in Clark County. This would prevent duplication of voting and violation of voting

rights within our State. Ultimately, if the 50 states get to this point, there would be a national hookup where all 50 state records would be fed into a master file, again using the social security number as the basis for identifying each individual voter. This is the only method at this point, although it is long-range and costly. The most important thing is to protect the integrity of the ballot.

One of the highlights of the conference was summed up by the Secretary of State of Georgia who said that "we as election officials of the 50 states have three responsibilities: (1) to make registration as easily accessible to the voter as possible; (2) set up polling places so that he has an opportunity to vote; and (3) make sure that that vote is counted." That is our obligation as election officials of the State of Nevada and the obligation of the legislature to provide and govern the law to provide these opportunities to the citizens of the State.

Mr. Colton further stated that they had talked at the conference about a "postcard" registration by mail. It was stressed that each state should adopt as uniform voting practices or devices as possible. Voting devices now are in a constant state of flux, with newer and more modern voting methods being developed at all times. Each state should look at the least expensive and most practical devices on the market today for voting. Right now Clark County has tied up approximately \$2,000,000 in voting machines that can be used no where else in the United States.

Chairman Gibson then presented the question of how it would be best to control the problem of double registration? Mr. Colton said that there is now a basic control within the county -- every county is required to keep an alphabetical listing, separate from their precinct listing of every registered voter. Chairman Gibson also asked how the registrar of voters could be certain a person even exists when he registers by mail, to which Mr. Colton replied that they don't and this is one big problem they now have. Senator Hecht wanted to know what the penalty is for voting twice? Mr. Colton replied that presently there was none, but a bill (AB-211) has been introduced which would make voting twice a felony offense. The State of Oregon presently prosecutes this offense as a felony.

Another item brought up in the National Conference is trying to standardize the purging of voters nationally. Nevada has one of the best systems as it stands now. If a person fails to vote in a general election, they are removed from the voting files

and must re-register. Some states say that you never have to register and you never have to vote -- some states only purge if you fail to vote twice in succession in a general election -- some states purge only if you fail to vote in a Presidential election. They are now trying to standardize the purging system throughout the United States. In conjunction with this the State of Oregon sends out a card to everyone who has failed to vote in a general election stating the section of the statute that would cause their registration to be cancelled, but on the card they say, "if you execute this enclosed card, and return it to the registrar's office by a certain date, your affidavit of registration will be re-activated." This could save the State of Nevada quite a bit of money as well as manpower because we pay the Registrar for every new registration. Sending out the card would cost about the same, but would save a lot of paper work and time.

Mr. Colton stated that he is thoroughly opposed to the present Nevada law which states that we have to purge if a registered voter fails to vote twice in succession in a general election. We are causing an undue hardship on the people in our state by causing them to have to re-register. It was believed that the original intent of the statute was to apply to people who somehow were registered in the State of Nevada, but do not live within the State, and are strictly using it for a tax-dodge. At this point there has been no registration introduced which would remedy this problem.

Senator Dodge pointed out that some Supreme Court decisions have determined that a 90-day residency requirement is too long to have to wait before a citizen can register to vote. Mr. Colton concurred in this opinion, stating that he felt anyone who walked into his office and stated that they intended to live in the State should be able to register even though they may have just moved here. The residency requirement is open for discussion, and presently differs from state-to-state.

Mrs. Ford questioned as to whether there had been any discussion at the conference on residency requirements for candidates? There was no discussion on this particular problem, but they did discuss the problem in some states (not in Nevada) where a candidate must have a petition before his name can be put on a ballot. That would only affect Nevada in possibly losing petitions for a referendum.

Chairman Gibson then requested that the hearing turn to the various bills now before the Elections Committee. Mr. Swackhamer asked that the county election officers present state their opinions on the bills as they come up for discussion.

(RECESS)

AB-9 Eliminates requirement that certain information accompany notice of political party precinct meetings.

Mr. Colton of Clark County and Mr. Coon of Washoe County both stated that they could anticipate no problem with this bill. Mr. Dreyer explained that this bill is a technical change only.

AB-10 Redefines the constitution of local government units.

Mr. Dreyer pointed out that in the smaller counties they ran into several problems on reapportionment. In some instances they tried to go into "single seat" districts but found it just wasn't practical. It was also hoped that this bill would clarify the apportionment law regarding the district which may be created for election purposes.

AB-11 Makes various technical changes in election laws.

Mr. Dreyer went through AB-11 explaining each of the amendments as follows:

(1) Absentee ballot -- This presently places an undue hardship on professional and military people, as this change allows any registered voter who provides sufficient notice to vote absentee. They have submitted the bill and want the legislature to decide which is the right way to go on this matter.

(2) Page 2 -- This change came from Clark County concerning requesting a list of registered voters and their addresses. They felt 1/2¢ a name is not sufficient to offset the cost and suggested this be raised to 1¢. Senator Gibson asked why they would want to eliminate publishing of a voter list in newspapers? Mr. Dreyer explained that in counties of 100,000 or more it is a waste of money to publish the list. Mr. Colton confirmed that the 1/2¢ a name does not cover the cost of supplying these lists

in Clark County. He further elaborated that the 1¢ a name would be sufficient for an alphabetical listing, but if a list is requested by street that requires a double run on the computer and costs more. Also in some instances they receive requests to "up-date" lists someone already has. They think there should be a minimum fee charged for any list and at least 1¢ a name over and above the minimum, for a "walking" list, 2¢ a name.

(3) Page 2, Line 44 -- Adds the words "and other employees" (janitors) the compensation should be fixed by the county by an ordinance or resolution. The law should not restrict the hiring of any necessary help.

(4) Page 3, Line 8 -- They felt this placed an unnecessary burden on a naturalized citizen to have to produce a birth certificate in order to register to vote, so they eliminated this provision.

(5) Page 3, Line 19 -- They eliminated the 90 days provision prior to the closing of registration for publication of registered voter lists. Mrs. Bell requested a further change in the suggested wording on line 22, page 3, instead of saying "county clerk shall cause to be published," that it say "county clerk may cause to be published." Mr. Coon said that in Washoe County it costs approximately \$5,000 an election to publish such a list. Mr. Dreyer further suggested that a provision could be inserted that this does not apply to counties over 100,000 population. The political parties have always been supplied a list of registered voters so they do know ahead of time who is and who is not registered to vote.

(6) Line 40, Page 3 -- This provision was added to make it easier on the smaller counties, so they won't have the last minute rush as they do in larger counties.

(7) Page 4, Line 11 -- This leaves it up to the county clerk as to whether or not sample ballots will be mailed out for elections other than primary and general.

(8) Page 4, Section 8 -- Mr. Colton said that the national conference did not want this provision in the law and Section 8 should be deleted from this bill.



Mr. Colton then asked that the committee refer to page 2, line 26, section 5, regarding the purging of voters who have failed to vote in two consecutive general elections -- they would like to have this section repealed.

Another suggestion was made to amend the bill on page 1, line 3, where it says "provides sufficient notice," the word should be added "provides sufficient written notice." Mr. Sattler of the Attorney General's office made a further suggestion with regard to this wording and asked that the word "sufficient" be removed, or that it be further defined. Mr. Colton pointed out that other wording in the statute gives "7 days as cut-off date" which in effect would define the word "sufficient." Mr. Colton further noted the 7-day cut-off date can present a problem when a holiday falls during that time.

Secretary of State Swackhamer again asked if it was the consensus of those present that the section regarding purging be deleted? Mr. Colton reiterated that this was the opinion of the County Fiscal Officers meeting, with Mr. Dreyer confirming this as his opinion also.

AB-12 Eliminates the six month residency requirement for registration for voting and repeals new resident voting provisions.

Chairman Gibson noted that this bill has already been acted upon and approved by the Governor.

AB-13 Amends certain voting machine provisions.

This bill has already passed the Assembly and is now before the Senate. Mr. Colton stated that although this bill had already passed the Assembly in its present form that a further change should be made in subsection 2, line 14, adding "or place of tabulation," which would be pertinent to those places where voting is not done by machine. It was further noted that it is much more convenient to the candidates and news people to use the more modern and up-to-date methods and have a complete accurate tally 4-5 hours after the election has concluded.

AB-15 Enables county clerk to issue election certificates for school trustees-elect.

The purpose of this bill is to change the wording on lines 12 and 14 from "clerk of the board of trustees" to "county clerk"

which is the correct intention of this provision. Mr. Colton also requested that all the language from the word "shall" on line 6, down to and including line 10, be eliminated, doing away entirely with the provision of issuing abstracts to the board of trustees of the county school district. Mr. Coon elaborated on this point, stating that it is just duplication and much more efficient for the county clerk to take care of this than to wait for the school district. Another opinion was voiced at this point to the effect that they would like to see this provision broadened to include such things as TV Districts, with Mr. Colton agreeing but in a different concept than this bill.

AB-16 Requires members of the state board of education be residents of the subdistrict from which they are elected or appointed.

Mr. Dreyer explained that this was necessary because of one of the reapportionment bills that passed on the next to last day of the 56th Session. In essence the bill said that members could run from a district, but they don't have to reside in the subdistrict. It was felt that this created problems and AB-16 is to correct that provision.

AB-17 Changes residency requirements for hospital trustees.

Mr. Dreyer testified that there were some inconsistencies in the district and local hospital in Clark County. The statutory provision created trustee districts which are comprised of part of the city and part of the county. The section prohibited more than three trustees residing in the city in which the hospital is located. This created a conflict, therefore AB-17 makes the proposed changes. Mr. Dreyer also noted that Carson City was eliminated from the proposed changes.

AB-18 Requires that members of the board of regents of the University of Nevada System be residents of the subdistrict from which they are elected.

Mr. Dreyer testified that this legislation was for the same purpose as AB-16.

AB-138 Creates a vacancy when candidate or elected officeholder moves his residence out of district.



It is unfair to other candidates if one of them files to run for office and knows that he is going to move out of the district. It is believed that if a candidate or elected officeholder does move out of his district, that particular seat should be declared vacant, and then the appropriate action can be taken to fill that vacancy. Chairman Gibson then posed the question as to what the court says with regard to enforcing residency?

AB-48 Permits senior citizens to vote absentee ballot.

Mr. Sattler of the Attorney General's office cautioned the committee to consult carefully with legal advisors, because in initially reading this bill it appears that it may violate the "equal protection laws" under the 14th Amendment. It also appears to be discrimination based upon age, under the Public Rights Act. Under this Act discrimination based on race, religion, creed or age is improper.

AB-51 Limits campaign contributions.

Mr. Colton of Las Vegas stated that this would affect his office as Registrar of Voters to some extent, as with this type restriction there has to be some enforcing agency. Mr. Colton also pointed out that AB-54 (limits legislative campaign expenditures) and AB-55 (limits campaign expenditures) are along the same lines as AB-51. With regard to the problem of enforcement they have made the suggestion that a simple disclosure of campaign expenditures to the Secretary of State might suffice in this instance.

AB-66 Reduces age of majority for males from 21 to 18 years of age.

Secretary of State Swackhamer said that this particular bill is not really germane to this discussion, but had included it only for the information of those present.

AB-189 Permits an earlier inventory of absentee ballot boxes.

Mr. Colton explained that they presently find it very difficult to go through all the legal procedures that are required to process the absentee ballots -- not the counting, but the processing of the ballots for counting. At this point they

would like to arbitrarily set the time back to 3:00 o'clock to get an earlier start. He said that in the last election Clark County processed approximately 4600 absentee ballots -- Washoe processed 6,000. No objections were raised to this legislation.

AJR-1 Proposes to amend Nevada constitution by eliminating the 6-month residency requirement for electors.

This legislation has already been enrolled and delivered to the Secretary of State.

SB-9 Technical amendment correcting wording of statute pertaining to use of voting machines.

The suggestion was made that the reference to "voting machine" be changed to read "voting devices or systems," which is just a technical change and would make it more explanatory.

SB-23 Repeals obsolete or unnecessary provisions pertaining to voting machines.

Mr. Burnett of the Legislative Counsel Bureau checked the statutes and read those sections pertinent to this bill (NRS 293.085, 293A225 and 293A.315).

AB-253 Provides for referendum in certain cities upon election of members of governing body by voters of individual wards.

Secretary of State Swackhamer stated that this particular bill was not germane to the discussion now before the hearing.

AB-251 Requires county commissioners to designate central office to handle voter registration services.

Mrs. Bell suggested that an amendment be made on this bill on line 10, changing the word "shall" to "may". It was the general consensus of opinion that this change would be agreeable to those present.

AB-252 Consolidates certain technical provisions in the election law.

It was felt that this again was not germane to the discussions before the present hearing.

SB-162 Limits campaign expenditures of state senators and assemblymen.

Chairman Gibson said that the committee would hear testimony at a later date on this bill.

AB-211 Makes voting twice at the same election a felony.

At the beginning of the meeting the committee heard testimony on AB-211.

AB-212 Prohibits the requirement of a sex or marital status prefix to the names of voter-registrants.

Mr. Alex Coon of the Washoe Office of Registrar of Voters requested that amendments be made to this bill beginning on Line 16 deleting the language "attach to his or her name a prefix indicating his or her sex or," and leaving the language as follows: "5. No registrant may be required to indicate marital status." This suggested change was accepted by those present.

AB-235 Amends Carson City charter to require names of two candidates receiving highest numbers of votes in primary to be placed on general election ballot.

This bill will be heard at a later date.

AB-249 Simplifies the forms required to be certified by election boards.

AB-250 Makes the statement of result of votes cast at a polling place more explicit.

No discussion is required on the above two bills at this time. Any language in AB-250 with reference to "machine" would have to be changed.

Mr. Thran of Douglas County stated that in the County Fiscal Officers meetings in November they were of the opinion that the State of Nevada should pay for publication of constitutional amendments, but to date there has been no legislation drafted to that effect. Mr. Colton said that to his knowledge this request had been submitted and was now in the bill drafter's office. Mr. Sattler of the Attorney General's office said that there are several opinions on this matter as well as other related provisions. Mr. Colton pointed out that the matter is being considered on the federal level and is not to be determined within the state.

Mr. Smith stated that he had thought there would be some legislation introduced relating to non-partisan ballots. This also sets up a problem on absentee voting. They would request that Section 293.257 be expanded to make it possible to include non-partisan offices to appear on partisan ballots. They would like the wording changed to say that you "may" produce non-partisan ballots instead of "shall" produce. Chairman Gibson requested that Mr. Burnett of the Legislative Counsel Bureau draft legislation to this effect.

Someone in the audience pointed out that there is presently a deficiency in the law as far as the word "ballot" is concerned, and this should be taken into consideration on any future legislation that may be drafted. Mr. Colton also stated that there should be a set of laws governing "punch-card" type voting in the State of Nevada, which would be of help to those counties presently using this system.

It was further testified by Mr. Colton that the present rules and regulations governing the printing of ballots is set up by the Secretary of State. There are some instances where they would need permission to have printing done outside of the state.

It was brought out of the County Fiscal Officers meeting that they would like to bring before the legislature the suggestion that Nevada adopt a policy similar to that of the state of California wherein the questions that appear on the ballot are printed in booklet form, showing the existing amendment, how the amendment developed, how the constitution looks before and after it is amended and a pro and con discussion on the value of the amendment -- that these be printed at the state expense and provided to the local election officers to be inserted with the sample ballots so that each voter would have an equal time to study these questions.

Mr. Coon then referred to the statutes Sections 293 and 323, and said that they would like to be able to simply send out a questionnaire when a voter has moved out of the state as to his intentions on residency. Mr. Colton concurred that they would like to see enabling legislation in this direction.

Chairman Gibson then thanked those who attended and gave testimony on the matter of Election Laws for the State of Nevada.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Mary Jean Fondi,  
Committee Secretary