

Assembly

Election Committee Minutes
February 18, 1975

Tuesday, 8:00
Room 336

Members Present:	Demers	Heaney
	Sena	Wagner
	Chaney	Young

Members Absent: Vergiels

Guests	Representing
Steve Coulter	Assemblyman, Dist. 27
Vaughn Smith	Carson City Clerk
Frank Fahrenkopf	Republican Committee
Donald Klasic	Attorney General's Office
David Howard	Registered Voters, Washoe Co.
Richard Williams	Democratic Party, Carson City

The meeting was called to order at 8:08 a.m. The first business to be considered was A. B. 18.

Assemblyman Coulter presented his amendments to A.B. 18. See attachment Number 1.

Mr. Smith felt that the number 1/4 of 1% should be considered. Anything greater should be picked up by the candidate himself.

1/2 of 1% was opposed by Mr. Fahrenkopf, as he felt the committee was talking about too many votes. His concern was, "who is going to pay for this?" The taxpayers will have to pay when it is 900 votes. Mr. Fahrenkopf pointed out that you are faced with how do you do a recount. Would you allow challenges? He felt that the automatic recount would cost the taxpayers money.

Mrs. Wagner asked if Mr. Fahrenkopf would consider 1/2 of 1%. Mr. Fahrenkopf answered, "no."

Mr. Demers stated that he did not agree with Mr. Fahrenkopf for he felt that as voting throughout the state becomes more sophisticated on computers, there is very little chance of a dispute. In the Cannon-Laxalt race of 1966, the votes were on hand written ballots so, there was a margin for error.

Mr. Demers felt it was only a question of the percentage in the bill. Mrs. Wagner felt perhaps the bill should be delayed as Mr. Swackhammer, the Secretary of State was going to suggest some language changes on the bill.

Mr. Klasic felt it should be stated whether the recount is for a primary election or a general election.

Mr. Howard stated that if he were in an election, he would not be afraid to ask for a recount if it were warranted. As for A. B. 18, he felt 1/2 of 1% was very high. He stated Arizona has 1/10 of 1% or

200 votes. He said he would like to see 1/10 of 1% for Nevada. He also stated he would like to see a recount definition in the law.

Mrs. Wagner asked how many states have a similar recount? Mr. Howard said three of the six states treated recounts through the district courts. Arizona has this recount. The Laxalt-Reid race was a study in futility and there was no way to change it. Perhaps they should have gone through the district court.

Mr. Young stated there was a problem in Lander Co. where the votes were turned in as late as two days after the election. The votes were called in but not physically turned in for two days. He felt perhaps the Deputy Sheriff should have physical control of the votes, for safekeeping.

Mr. Demers felt this was a problem which concerned him as the votes were not physically brought in. He stated the votes should be brought in on election night.

Mr. Williams asked if this bill could be held up in committee until a definition of recount is established.

Mr. Demers read the proposed amendment to A.B. 14. See attachment number 2. Mr. Demers stated that he was going to request a new bill to be drafted up similar to attachment number 2.

Mr. Sena asked how a misdemeanor would be classified. Mr. Heaney stated it could be \$500. or 6 months in jail. Mrs. Wagner asked whose jurisdiction this would be under and Mr. Heaney answered that it would be under the District Attorney's Office.

Mr. Demers stated Mr. Fahrenkopf, Mr. Klasic and Mr. Swackhammer were to get together and clarify this bill.

Mr. Demers appointed Mr. Heaney and Mrs. Wagner to get together with Mr. Fahrenkopf, Mr. Klasic and Mr. Swackhammer to work on A.J.R. 4 as a committee.

There was no action taken on A.B. 87.

Mr. Young moved that A.B. 18 be postponed and Mrs. Wagner seconded the motion. A vote was taken of 3 "ayes" and 2 "nos."

Mr. Heaney moved that A.B. 14 be redrafted and it was seconded by Mr. Sena.

Mr. Demers referred back to Mr. Young's problem of votes being turned in late. He felt that the law was not clear enough and he would ask the bill drafters to look up this law.

Mr. Heaney pointed out the rules for the committee and cited rule #4. He felt that action on a vote would be required by the entire committee.

AGENDA FOR COMMITTEE ON ELECTIONS.....
 8:00-9:30 am
 Date Feb. 18, 1975..... Time 12:30-1:30..... Room 336.....

Bills or Resolutions to be considered	Subject	Counsel requested*
A.J.R. 4	Proposes to amend Nevada Constitution to clarify requirements for recall of public officers.	
A.B. 87	Clarifies requirements for recall of public officers.	
A.B. 18	Provides for automatic recount following close elections for state or federal office.	
A.B. 14	Regulates election campaign signs.	
<u>FINAL ACTION TAKEN AT 2/11/75 MEETING.</u>		
A.B. 25	"do pass as amended"	

A. B. 18 - AMENDMENTS

FROM: Assemblyman Coulter

1. Amend Section 1, page 1, line ⁵ delete

"number of votes cast for the leading candidate; for:"

and insert

"number of votes cast for the two leading candidates for:"

2. Amend Section 1, page 1, line 6; delete

"(a) presidential electors;"

3. Amend Section 1, page 1, line 9; delete

"a state office,"

and insert

"a state wide office."

4. Amend Section 1, page 1, lines 10 and 11; delete

"is less than one (1) percent, the secretary of state shall immediately direct the county clerks to proceed with a recount."

and insert

"is less than 1/2 of one (1) percent, the secretary of state shall within five (5) days, direct the county clerks to proceed with a recount."

SC/kam

<u>OFFICE</u>	<u>CANDIDATES/VOTES FOR EACH</u>	<u>DIFFERENCE</u>	<u>TOTAL VOTE</u>	<u>PERCENTAGES TOTAL VOTE</u>
U. S. SENATE	Laxalt - 79,605 Reed - 78,981	624	158,586	1% - 1,585 1/2% - 793 1/4% - 396
Congress	Santini - 93,665 Towell - 61,182	32,483	154,847	1% - 1,548 1/2% - 774 1/4% - 387
Governor	O'Callaghan - 114,114 Crumpler - 28,959	85,155	143,073	1% - 1,430 1/2% - 715 1/4% - 357
Lt. Governor	Rose - 86,257 Raggio - 68,563	17,694	154,820	1% - 1,548 1/2% - 774 1/4% - 387
Sec. of State	Swackhammer - 115,138 Paher - 45,268	69,870	160,406	1% - 1,604 1/2% - 802 1/4% - 401
Treasurer	Mirabelli - 106,371 Kennedy - 53,364	53,007	159,735	1% - 1,597 1/2% - 798 1/4% - 399
Controller	McGowan - 79,971 Kruse - 75,141	4,830	155,112	1% - 1,551 1/2% - 775 1/4% - 387
Attorney General	List - 83,130 Bryan - 82,419	701	165,549	1% - 1,655 1/2% - 827 1/4% - 413
Supreme Court	Thompson - 80,607 Springer - 74,507	6,100	155,114	1% - 1,551 1/2% - 775 1/4% - 387

Prepared by Steve Coulter
February 14, 1975

PROPOSED AMENDMENT TO A.B. 14

Amend section 1, page 1, by deleting lines 3 through 12 and inserting:

"1. It is unlawful for any person to place a campaign sign on either improved or unimproved private property without the prior permission of the owner of the property.

2. Unless the candidate is the owner of the property upon which the sign is placed or has permission of the property owner to leave the sign in place for a longer time, any campaign sign, other than a commercial billboard, placed on either improved or unimproved private property shall be removed by the candidate no later than 15 days next following a municipal, special or general election and within 15 days next following a primary election if the candidate is defeated in such primary election.

3. This section does not prohibit local governments from enacting specific ordinances to regulate the size of campaign signs, their location on private property and their removal based upon aesthetic considerations, safety factors, local zoning laws and such other factors as may be deemed applicable.

4. This section does not exempt campaign signs from regulation under NRS 405.020 to 405.110, inclusive, or NRS 410.220 to 410.410, inclusive.

5. Any person who knowingly and willfully violates subsection 1 or 2 of this section is guilty of a misdemeanor."

Amend the title of the bill, by deleting the title and inserting:

"AN ACT relating to elections; requiring prior permission of property owners for placement of campaign signs; requiring removal of such signs within a prescribed time; providing penalties; and providing other matters properly relating thereto."