

Election Committee Minutes  
February 4, 1975

Tuesday, 8:00 a.m.  
Room 336

## Members Present:

Demers  
Sena  
Chaney  
Heaney

Vergiels  
Wagner

## Members Absent

Young (Excused absence)

## Guests

## Representing

Donald Klasic  
Grant Bastian  
Bob Warren  
Vaughn Smith  
Richard Williams  
Frank A. Schank  
Joe Dini  
Steve Coulter  
Dennis Myers  
Stan Colton

Attorney General of Nevada  
State Highway Engineers  
Nevada League of Cities  
Carson City Clerk  
Chairman, Dem., Carson City  
Silver Springs Town Board  
Assemblyman, Dist. 38, Yerington  
Assemblyman, Dist. 27, Washoe  
Nevada Veteran's Caucus  
Clark County Election Dept.

The meeting was called to order at 8:10 a.m. by Chairman Demers and the roll was called by the Secretary.

Chairman Demers announced the bills to be considered would be A.B. 14, A.B. 18 and A.B. 25.

Mr. Grant Bastian, the State Highway Engineer stated that he supported A.B. 14. Chairman Demers said the signs should be decided by the local zoning control.

Mr. Bob Warren of the Nevada League of Cities supported the bill, but one City Manager he spoke with suggested that the signs be taken down within a certain time.

A.B. 25 was introduced by Mr. Dini in order to make voting hours the same throughout the State. In the discussion, Mr. Bob Warren suggested that the language in the bill be changed to say that if all the voters have voted, the polls be closed. Mr. Don Klasic, of the Attorney General's Office stated that they had irate voters from Storey County because they had been told that they had until 7:00 p.m. to vote when actually the polls closed at 6:00 p.m. Mr. Klasic said he would support this bill. Mr. Vaughn Smith, Carson City Clerk reported he had talked to Grace Bell of Humboldt County. She reported that someone had moved from Washoe County to Humboldt and in Humboldt County, the polls had closed at 6:00 p.m., so naturally, there was confusion as Washoe County polls stayed open until 7:00 p.m. Mr. Demers said this could be settled by population. Mr. Smith felt that the clerks should have the option of staying open until 7:00 p.m.

Mr. Richard Williams, Chairman of the Democratic Party, Carson City felt the laws governing the times for the polls should be compulsory and not voluntary.

A five minute recess was called at 8:30 a.m. in order to wait for Assemblyman Dini to testify.

Mr. Frank Schank, Silver Springs Advisory Board, Lyon County spoke and said they felt they were having a big problem with the poll times. What had been happening was complete misunderstanding about the closing times of the poll. Approximately 150 people did not vote because of the misunderstanding. The primary election was down at least 120 people. Silver Springs is considered a "bedroom community," with most people working in construction out of the community. Many people felt that they had time to get to the polls since they thought it closed at 7:00 p.m. Many would arrive to find the polls closed and Mr. Schank felt this deprived people of their voting rights and he felt strongly that the hours should be uniform.

Mr. Demers felt this problem should be discussed with the other County Clerks of Nevada. Part of the problem stems from radio shows that announce the polls stay open til 7:00 p.m. but the county that received the station stays open only til 6:00 p.m. It was also felt that printing the time of the polls on the sample ballot was no solution because they do not always reach the voter.

Assemblyman Dini said that if he had a map of Lyon County, you would be able to understand the problem. The people of Lyon Co. read newspapers out of Carson City which state that the polls are open until 7:00 when in Lyon Co., they are open only til 6:00 p.m.

An open discussion was held as to the extra pay that would be needed to keep the polls open until 7:00 p.m. The extra pay amounted to \$2.00 per hour and the consensus of opinion was that the extra pay was minor, especially if it would straighten out the confusion of poll times.

Chairman Demers stated that final action on A.B. 25 would be held in order to get more opinions from the County Clerks.

Chairman Demers summarized A.B. 18 which provides for automatic recount following close election for state or federal office.

Assemblyman Coulter stated that 12 states have automatic recount systems. In Colorado, they use a 2% in the primary and 1/2 of 1% in the primary. This is paid by the county. In Washington State, it is 1/2 of 1%. Some States use the count when it is less than 1,000 votes.

Mr. Demers felt this bill should cover all state elected officials. It was also felt that a recount should be defined whether it be by hand or by machine.

Mr. Klasic said he had submitted a draft bill to Mr. Heaney. He stated they had no opinion one way or the other.

Mr. Richard Williams said that senators and assemblymen should be included in the bill. Mr. Williams said he would be in agreement to lowering 1% to a 1/2 of 1%. Mr. Warren stated that he wished to check with the elections personnel, and he felt that the cities and counties should be consulted. See Attachment #1.

Mr. Dennis Meyers stated that provisions should be made for a recount bill that would not bankrupt the candidate. Many times, the cost of a reco,nt is more than the person spent on the election campaign.

Mr. Stan Colton, of the Clark County Election Department suggested that the change should be made statewide. Mr. Vergiels asked if 5/10 of 1% would be acceptable and it was stated that it would be acceptable.

Mr. Vaughn Smith stated that he preferred the figure of 1/2 of 1% because of the budget. Mr. Demers noted there was a fiscal note on this bill.

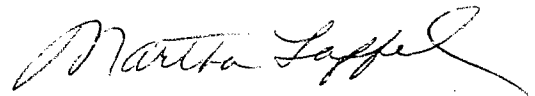
Mr. Klasic said the problem of Section 3 of A.B. 18 is the problem of stringing out the costs and time. Also, when too many people are involved counting the votes, the cards become damaged.

Mr. Demers stated he would meet with Assemblyman Coulter and Mr. Klasic concerning A. B. 18.

A motion was made to pass A.J.R. 1 of the 57th Session which was seconded by Mrs. Wagner. The roll was read by the Secretary and all present members responded "aye" to the motion.

Mr. Heaney moved that the committee pass A.B. 14 as amended. Mr. Sena seconded the motion. The motion was carried and the present members responded "aye" to the motion.

Respectfully submitted,



Martha Laffel  
Assembly Attache

Attachments:

- 2 pgs - A.B. 18
- 3 ltrs (Mr. Dini) A.B. 25

## AGENDA FOR COMMITTEE ON.....ELECTIONS.....

Date...February 4, 1975...Time 8:00 a.m....Room 336.....

Bills or Resolutions  
to be considered

Subject

Counsel  
requested\*

Bills or Resolutions to be considered	Subject	Counsel requested*
A. B. 14	Regulates election campaign signs (report of ad hoc committee)	
A.B. 18	Provides for automatic recount' following close election for state or federal office.	
A.B. 25	Makes voting hours the same in all counties.	

## FINAL ACTION

A.J.R. 1 of the 57th session.

AN ACT relating to recounts; providing for definitions; and for amending the process of conducting a recount.

THE PEOPLE OF THE STATE OF NEVADA, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the following new sections which shall read as follows:

"Contest" defined. "Contest" means an adversary proceeding, or suit, between a candidate certified as elected and one not certified for the purpose of determining the validity of an election.

"Recount" defined. "Recount" means a retabulation of the ballots in the same manner as in the original canvass of said ballots.

Section 2. NRS 293.403 is hereby amended to read as follows:

293.403. After the canvass of the vote in any election, any candidate defeated at such election may demand and receive a recount of the vote for the office for which he is a candidate if:

1. Such demand is made within 5 days after the [certification of the abstract of votes] justices of the supreme court shall canvass the vote as provided for in NRS 293.395; and

2. Such candidate pays in advance [a fee of \$50] an amount equal to the estimated cost of such a recount as determined by [to] the county clerk or secretary of state. Such amount shall be paid to the county clerk or secretary of state, as the case may be.

Section 3. NRS 293.404 is hereby amended to read as follows:

293.404. 1. Where a recount is demanded pursuant to the provisions of NRS 293.403,

the county clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chairman of the recount board unless the recount is for the office of county clerk, in which case the chairman of the board of county commissioners shall act as chairman of the recount board. At least one member of the board of county commissioners shall be present at the recount. Each candidate for the office affected by the recount may be present in person or by an authorized representative; but shall not be a member of the recount board.

2. The recount shall include a count of all ballots, including rejected ballots, and shall determine whether such ballots are marked as required by law. The county clerk shall have authority to unseal and give to the recount board all ballots to be counted.

3. In the case of a demand for a recount affecting more than one county, the demand shall be made to the secretary of state, who shall notify the county clerks to proceed with the recounts.

4. In counties where the ballots were originally counted by electronic tabulators, the recount shall be conducted in the same manner as the original count of the votes.

Section 4. NRS 293.405 is hereby amended to read as follows:

293.405. 1. If the candidate who demanded the recount does not prevail, and it is found that the [fee] amount paid was less than the cost of the recount, such candidate shall, [upon demand] within 10 days, pay the deficiency to the county clerk or secretary of state, as the case may be. If the [sum] amount deposited is in excess of the cost, the excess shall be refunded to him. If the candidate who demanded the recount does prevail, then the amount which he advanced pursuant to NRS 293.403 shall be refunded to him.

2. Each recount shall be commenced within 3 days after demand, and shall be completed within 3 days after it is begun. Sundays and holidays shall not be excluded in determining each 3-day period.

Route 2- Box 20 26  
Smith, Nev. 89430  
Jan. 27, 1975

AB25

Assemblyman Joe Dini  
Yerington, Nev. 89447

Dear Mr. Dini,

I would like to suggest a possible addition to the election laws for your consideration. This concerns absentee voters. I think I can best describe the situation by telling a story.

I have sat on the election board for the past few elections. I remember during the very first election that among the absentee ballots, sent by the county clerk, we opened one from a man we knew had recently died. He was not a famous person-- just an ordinary long time resident.

During the last election, we received the absent ballot voters list with Norman Brown's name crossed out and no ballot for him. A poll watcher who knew he had voted was concerned. Why was his name crossed out? Because he was a famous person and his death was well known? It didn't seem fair.

This poll watcher called the county district attorney and then the attorney general's office. Both offices concurred that the clerk's decision was right, but the decision was based on a court case in the 1930's in a mid-western state.

It is my opinion that Nevada could pass a law that would allow absent ballots to be counted even though the voter later died.

Admittedly, this would effect very few people. There is usually only a month from the time absentee ballots are issued and the election. I couldn't guess at how many absent voters die in the interim, but I think it would be a nice gesture. If Nevada can legalize gambling and prostitution, it can let these few dead people's votes count.

There would be no danger of a whole "Boot Hill" voting, as absent voters must be qualified to vote regularly before being issued an absent ballot.

Thank you for considering this matter. I realize there are many more important measures before the legislature this session. And those my idea would help will certainly not vote for you in the future. Nevertheless, I believe it would be a fine gesture.

Sincerely yours,

*Lura Weaver*

Lura Weaver

Office of the  
**Clerk and Treasurer**  
of Lyon County  
DRAWER NO. G

AB25

27

Herington, Nevada 89447  
January 31, 1975

Joseph E. Dini, Jr., Assemblyman  
Nevada Legislature  
Carson City, Nv. 89701

Dear Joe:

I am happy to go on record as supporting  
AB 25 concerning voting hours.

Your bill does give all of Nevada's voters  
an equal opportunity to exercise their right to  
vote by making voter hours the same in all  
counties.

You are to be commended for your continuing  
interest in supporting equal treatment for Nevada  
voters.

Sincerely,

  
Joe Parr



**STOREY COUNTY  
CLERK AND TREASURER**

*Shirley Andreasen*

**DRAWER D, VIRGINIA CITY, NEVADA 89440**

28  
AB25

February 3, 1975

Joseph E. Dini, Jr.,  
Assemblyman  
District No. 38  
P.O. Box 968  
Yerington, Nevada

Dear Joe:

Thank you for telling me about AB25 concerning voting hours.

Personally I don't think much of it as we are still counting by hand, and you know that it only takes about an hour to count on computers. As long as we are still counting by hand I don't think we should change it. If the time comes when we feel a computer is faster and better then all the counties should have the same hours. It would take the day board 12 hours, and the night board would be starting to count when Washoe and Clark counties will have their results.

Thanks again, Joe.

Sincerely,

*Shirley Andreasen*  
Clerk