#### Assembly

Election Committee Minutes March 25, 1975

Tuesday, 8:00 a.m.

Room 336

Members Present:

Members Absent:

Demers Sena Heaney Vergiels Wagner

Chaney (Excused Absence) Young (Excused Absence)

Guests:

Wm. Swackhamer John Robb David Howard Vaughn Smith Richard Williams Lorenne Curtis Cal Dunlap

Representing: Secretary of State Washoe County School District Washoe County Carson City Clerk

Chairman, Democratic Party, C.C. Washoe County, Republican Central Comm.

Washoe County, District Attorney

Mr. Demers called the meeting to order at 8:07 a.m. He announced the first order of business to be A.B. 463.

Mr. Demers explained that A.B. 463 was an emergency measure which was enacted for Henderson, Nevada. This bill provides an alternate method for filling vacancy in office of justice of peace in certain townships. In Henderson, the justice of the peace was convicted of a felony. There were two attorneyss in town but neither of them cared to fill the vacancy. No discussion was held on this bill other than the amendment to delete lines 8 and 9 pertaining to the Bureau of the Census.

Mr. Demers introduced the next bill which was A.B. 398 which pertains to the changing of date of statewide primary elections. Mrs. Wagner stated the reason she introduced this bill was because many people are gone after the Labor Day weekend and perhaps votes were being lost because of the timing.

Mr. Robb stated that he definitely favored the bill. He stated that with the opening of school, there was too much turmoil to also have voting at the same time. He stated it would help the school district not to have voting at the same time school opens.

Mr. Heaney asked Mr. Robb if there had been complaints from parents and Mr. Robb stated they had complaints from parents who were bothered by the confusion. Older people were especially bothered and many times would just return home rather than bother to vote.

Mr. Howard stated he would agree with this because of the turmoil, and also he felt that if the bill were to be enacted, you should also adjust the time for filing. Because of these dates, it would also be difficult to comply with the law. He felt that the time element should go the other way. He stated the filing date should be changed from the 3rd Wednesday in July to the 2d Wednesday in July.





Elections Committee March 25, 1975

Mr. Smith stated that if you move this date back, there would be no time for his office to prepare for the general election. If this date were used, this would only give his office 3 weeks in which to prepare for the election. He stated he would not like to move the date back but, a week forward; however, there would be problems either way. During the general election, he stated his office was very pressed for time. During the primary election, there is much apathy as there is poor voter turn-out, (34%). In summarizing Mr. Smiths statements, he would be very pressed for time if the date were changed back a week.

Mrs. Wagner asked Mr. Smith if he felt more people would vote by changing the date. Mr. Smith stated that if people wanted to vote, they would vote no matter what the date was. He stated that many people vote in conjunction with taking their children to school.

Mr. Sena noted that in Stan Colton's <u>letter</u>, he had stated the same objections as Mr. Smith had i.e. not enough time for the officials to send out absentee ballots. Mr. Smith stated that if you give people only 25 days on their absentee ballots, many of them will not be able to return them in that short of a time frame. He also felt by limiting the time, it would leave his office open to litigation by declaring an election unconstitutional, all because of the time.

Mr. Swackhamer stated informally he did not feel this would make more people turn out. He stated he had trouble with the clerks office and there was also trouble with "print" shops getting the material ready.

Mrs. Wagner stated that the date should not be an "insurmountable", problem. She felt there were other states comparable with Nevada in size and with the same problems.

Mr. Heaney inquired whether the reporting days could be reduced to 5 days rather than 10 days.

Mr. Demers stated that the next order of business would be <u>A.B. 406</u> This bill increases maximum permissible number of voters in election precincts. It was stated that this bill would be applicable to Washoe and Clark Counties.

Mr. Howard stated that in the urban areas, you could consolidate many precincts. He stated it would be a 10 to 15% saving. It would reduce the people you would need at the polls. Mrs. Wagner asked how many precincts he was talking about. He said he was referring to 300 precincts which is too many. By using this, he stated he should be able to cut down 50 precincts.

Mr. Demers said he had not heard from either political party on this. Mr. Heaney asked how the figure of 600 was chosen. Mr. Howard said they came up with the figure of 600 because the figure of 1,000 shocked everybody.

Mr. Williams objected because he felt there would be too many people at the polls. At this rate, we would be pushing people through at the rate of one person per minute. He felt we would be running into people who would get disgusted with the process and not vote:

Mr. Heaney inquired whether or not additional poll booths could be added if precincts are cut down.

Mr. Smith testified that if the figure of 600 is used, we would have to increase the number of booths. However, he didn't feel this would present any problem and he felt that 600 would be reasonable; also it would not present any problem to add additional votomatics.

Mr. Demers inquired that if we go to 600, are there ever public hearings held. Mr. Heaney stated that the County is tied to the precinct. The statement was made that they had trouble getting people on the Central Committee to be appointed to that office.

Mr. Demers stated the next order of business would be <u>A.B. 410</u>. This bill changes the reference date used for determining representation in county political conventions.

Ms. Curtis testified that she was in favor of this bill because it was impossible to work with the bill in its present form. The way it was written, there was no way to match the precinct lists.

Mr. Howard explained on the chalk board how some areas would grow rapidly because of multiple dwellings (apartments). This makes the representation difficult to determine.

Mr. Smith stated he would like to see the old method used again of going back to the "old precincts", for in this way, you would have the number of registered voters. Mr. Demers stated there could be some problems in the urban areas. Mr. Smith stated that of 9,000 registered voters, 1,500 voters were lost even though the population increased; also not all people registered to vote.

Mr. Demers asked that Mrs. Wagner get together with Mr. Howard and Mr. Smith and work out any necessary changes in A.B. 410.

Mr. Demers stated the next order of business would be A.B. 416.

Mrs. Wagner stated this bill was brought about because in Washoe County they found a candidate did not live in the district in which he was running for office. Also, there was nothing in the law that covered this. This bill would state that a candidate must live in his district 30 days prior to filing for office

Mr. Dunlap substantiated Mrs. Wagner's statements by saying there

Elections Committee March 25, 1975

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was a person who ran for the county commissioner's office who did not have legal residence in the district he was running for. Instead, he filed through a "maid" for a constructive residence at the "Mustang Ranch". Since the law was not clear, nothing could be done through the grand jury. Also, there was nothing that could be done from a civil view point, for there was no authority. At the District Attorney's office, "we are very much in favor of this legislation."

Voting took place on the following bills:

- A.B. 463 Mr. Demers stated the population clause would be removed. It was moved by Mr. Sena and seconded by Mr. Vergiels to amend and pass A.B. 463. All members of the committee voted "aye" for the bill.
- A.B. 406 Voting was as follows:

Mr. Demers - No

Mr. Sena - No

Mr. Heaney - Yes

Mr. Vergiels -No

Mrs. Wagner - Yes

This bill was automatically "killed" by the committee.

- A.B. 416 It was moved by Mr. Sena and seconded by Mr. Vergiels.

  After a brief discussion, it was decided it would be held pending clarification.
- A.B. 398 It was agreed this bill would be held pending clarification.
- A.B. 336 It was moved by Mr. Demers and seconded by Mr. Sena to amend and do pass. All members voted "aye" for the bill.
- A.B. 410 Held pending clarification. Meeting adjourned 9:32 a.m.

Respectfully submitted

Martha Laffel VAssembly Attache

Attachments:

Stan Coltons Ltrs Dtd

3/18/75 & 3/18/75 AB398, AB521

Primary Dates For State Elections (2 pgs) Ab 398

A. B. 336

A. B. 463

Ltr - Dan Poggione, 3/24/75 AB410

Ltr - David Howard, 3/25/75 AB521

#### ASSEMBLY

### AGENDA FOR COMMITTEE ON ELECTIONS

130

Date March 25, 1975 Time 8:00 A.M. Room 336

Bills or Resolutions to be considered	Subject	Counsel requested*					
A.B. 398	Changes date of statewide primary election.						
A.B. 406	Increases maximum permissable number of voters in election precincts (from 400 to 600).						
A.B. 410	Changes reference date used for determining representation in county political convention.						
A.B. 416	Further specifies res political candidates.	idence requirements	s for				
	ACTION TAKEN AT 3/18/75 MEETING						
	A.J.R. 2	"Do Pass"					
	∠A.B. 291	"Do Pass"					
	A.B. 336	Held pending	clarification				

STANTON B. COLTON

400 Las Vegas Boulevard South . Las Vegas, Nevada 89101

Telephone (702) 332-4982

March 18, 1975

Assemblyman Sue Wagner State Legislative Building Carson City, Nevada 89701

Dear Sue:

In regard to our conversation of the other day, in analyzing the effect that A.B. 398 would have on our other time limitations, the only place where we are really squeezed is conforming to that section of law that requires Absentee Ballots to be mailed no later than thirty days prior to the election. Although it appears that there is sufficient time after the primary election to meet that legal commitment, because of the number of ballot types involved in printing, under the present time schedule we could just barely stay legal. Some consideration might be given to allowing absentee ballots to be sent out say twenty-five days prior to the election as opposed to the present thirty days.

In regard to the increase in the precinct size from the allowable four hundred to six hundred registered voters, I think that this type of legislation would be very valuable and prove to be a beneficial tool to all election officials across the state.

During our discussion you also mentioned putting in a bill that would require a candidate for a district office to live within that district for at least thirty days prior to his filing. I think that is a very good idea. I would hasten to add that a statement of that nature should be made a part of the Declaration of Candidacy that a candidate must swear to.

As I also mentioned to you, I think it would be wise to make residency within the district from which an official is elected, mandatory in his retaining of that office. At the present time once an individual is elected to office he may immediately move out of that district. It is my feeling, as well as the feelings of a great number of election officials, that under those circumstances the office should be declared vacant and that appointment I have talked should be made by the proper appointing authority. to Tom Hickey on this matter and he indicated that he would introduce a bill that called for that type of legislation in the 57th session: I believe it was A.B. 128 or 138.

Finally, regarding the voter information booklet, Bill Swackhamer and I agree that some informative type brochure should be prepared, possibly at the state level, to be distributed by mail, by boy scout, by whatever means possible, to every household in the state providing the residents with an adequate amount of information regarding the maintenance of his voter registration, as well as information on absentee balloting and the offices to be voted on in the upcoming election. Hopefully this method of informing the public will stimulate a desire on the publics' part to get involved beyond the fifty percent participation that we presently have.

Any help that you might be able to give on these two latter matters will be appreciated.

Yours truly,

STANTON B. COLTON Registrar of Voters

SBC/daw

#### PRIMARY DATES FOR STATE ELECTIONS:

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Alabama
                   . . . First Tues in May - even no. years;
  Alaska . . . . . . . 4th Tues - August even no. years;
  Arizona . . . . . . . 8th Tues before general;
  Arkansas . . . . . . . 2nd Tues June;
  x Colorado . . . . . . . 2nd Tues - Sept even no.years;
  Connecticut . . . . . see SB 23 - Sept;
  Florida . . . . . . . . . lst Tues or 6th day or later - Sept;
           . . . . . . . 2nd Tues - August;
  Georgia
           . . . . . . . . . lst Saturday - Oct. even no. years;
  Hawaii
           . . . . . . . . Tuesday after 1st Mon. - August;
  Illinois . . . . . . . 3rd Tuesday - March;
  Indiana . . . . . . . . . lst Tues. after lst Monday - May;
           . . . . . . . . lst Tues. after 1st Monday - June;
 Kansas . . . . . . . . lst Tues. - August;
- Kentucky . . . . . . . . . lst Tues after 4th Monday - May;
  Louisiana . . . . . . . 2nd Sat after 1st Monday - August;
           . . . . . . . . 2nd Tues - June;
  Maine
x Maryland . . . . . . . 2nd Tues after first Monday - September;
  Massachusetts . . . . . 7th Tues. before State election;
  Michigan . . . . . . Tues. after 1st Monday - August;
x Minnesota . . . . . . lst Tues. after 2nd Monday - September;
  Mississippi . . . . . . lst Tues. in June prior to general;
           . . . . . . . lst Tues. after lst Monday - August;
  Missouri
  Montana . . . . . . . . lst Tues. - June;
  Nebraska . . . . . . . . lst Tues. after 2nd Monday - May;
  Nevada . . . . . . . . 1st Tues. - September;
  New Hampshire . . . . 2nd Tues. - September;
  New Jersey . . . . . . Tuesday after 1st Monday - June;
  New Mexico . . . . . . . . . . . . . June;
             . . . . . . . . . 1st Tues. after 2nd Monday - September;
x New York
  North Carolina . . . . Tues. after first Monday - May;
  North Dakota . . . . . lst Tues. - September;
             . . . . . . . lst Tues. after 1st Monday - May;
  Ohio
  Oklahoma
             . . . . . . 4th Tues. = August;
             . . . . . . 4th Tues. - May;
  Oregon
  Pennsylvania . . . . . . 3rd Tues. - May except in presidential; 4th
                                         Tuesday in April;
  Rhode Island . . . . . . 2nd Tues. after 1st Monday - September;
  South Carolina . . . . 2nd Tues. - June;
   South Dakota . . . . . lst Tues. - June;
  Tennessee . . . . . . lst Thursday - August;
             . . . . . . . lst Saturday - May;
   Texas
             . . . . . . 2nd Tues. - September;
x Utah
             . . . . . . 2nd Tues. - September;
  Vermont.
             . . . . . . . 2nd Tues. - June;
  Virginia
  Washington . . . . . . 3rd Tues. - September;
  West Virginia . . . . 2nd Tues. - May;
Wisconsin . . . . 2nd Tues. - September;
Х
  Wyoming . . . . . . . lst Tues. after 3rd Monday - August.
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### PRIMARY DATES FOR STATE ELECTIONS:

Colorado 2nd Tues September;
Maryland 2nd Tues. after 1st Monday - September;
Minnesota lst Tues. after 2nd Monday - September;
New Hampshire 2nd Tues September;
New York lst Tues. after 2nd Monday - September;
Rhode Island 2nd Tues. after 1st Monday - September;
Utah 2nd Tues September;
Vermont 2nd Tues September;
Wisconsin 2nd Tues September.

STANTON B. COLTON Registrar

400 Las Vegas Boulevard South • Las Vegas, Nevada 89101 •

March 18, 1975

Assemblyman Bob Haney State Legislative Building Carson City, Nevada 89701

Dear Bob:

Just spoke with Dave Howard who read to me a draft of the proposed legislation that you and I discussed at great lengths during my trip to Carson City. I see that you have been able to succeed in getting things out of the bill drafter where others have failed.

Bill Swackhamer, Dave, and I are very concerned about the legislation that we have proposed not seeing the light of day as yet. We are also concerned that if these bills do get out of the hopper they may not be able to receive proper consideration because of the rush to end the session.

There was one new bill that was introduced by the Election Committee that Dave and I were very concerned about which concerns the allowing of write-in votes. It was just as recent as the 57th session that the statutes were amended to clarify the law that prohibited write-in votes. in a discussion that you and I had with Don Klassic, we had decided to wait until we were sued and the courts had made a ruling before submitting the state to the problems of write-in candidates. However, faced with the potential that this bill may become law, let me suggest these additional considerations: One, that there be a requirement for all voting devices, other then paper ballots, to include a write-in line that the voter must execute when writing in a candidate for that particular office. For instance, a punch-card ballot may contain three candidates for a particular office and the fourth line for that office would contain the words "write-in vote". That position would have to be validly punched before a candidate appearing in the write-in section could be counted; all votes cast for properly filed candidates be counted as well as punched write-in indication, and if the number of voters voting write-in is less than ten percent of the total vote or some other

reasonable figure, that the disposition of the write-in votes need not be counted and the records would only reflect X number of write-in votes were cast, but not showing the names that were actually written in. This would make the law more palatable, more reasonable, and less costly to deal with should you find it necessary to pass the bill out of committee.

I will probably see you in the next couple of weeks when, hopefully, all of our legislation that we have been waiting for will be before you.

Yours truly,

STANTON B. COLTON Registrar of Voters

SBC/daw

cc: Assemblyman Dan Demers
Assemblyman Sue Wagner

ASSEMBLY ACTION	SENATE ACTION	ASSEMBLY / SENATE AMENDMENT BEASK		
Addited  Date: Initial: Concurred in Not concurred in Date: Initial:	Adopted  Lost  Date: Initial: Concurred in  Not concurred in  Date: Initial:	Amendments to Assembly / Senate  Bill / Joint Resolution No. 336 (BDR Proposed by		
Adeni section l	Nº 5853  , page 1, by deleti	ng lines 2 through la and inserting:		
		s the names of candidates for Prezident tas shall contain an additional line for		
such dandidates a	quivalent to the li end of the group o	nes on which the candidates' names appear  f lines containing the names of the caudi-  al line shall contain a square in which		
AS Form 12 (AMENDMENT	ente autopatibilitari e atiqui e tare en es foto motivate la terra estatura de la terra e supremuento de destruitar es	Drafted 1/12 1011 By To Journal (NOTE) (3) CFI		

Amendment No. Essa to Assauci Bill No. 336 (BDR 24-531 ) Page?

the voter may express his choice of that line in the same mannar as he would express his choice of a candidate, and the line shall read "None of these candidates."

- 2. Only votes cast for the named candidates shall be counted in determining presidential nominations or the selection of presidential electors, but the number of ballots on which the additional line was chosen shall be listed following the names of the candidates and the number of their votes in every posting, abstract and proplamation of the results of the election.
- 3. Every sample ballot or other instruction to voters prescribed or approved by the secretary of state shall clearly explain that the voter may mark his choice of the line "None of these candidates" only if he has not voted for any presidential candidates.".

Amend the bill as a whole by deleting sections 3 and 4 and renumbering sections 5, 6 and 7 as sections  $^2$ ,  $^3$  and  $^4$ .

Amend sec. 5, page 2, line 9, by deleting "arction 2" and insert: "section 1" Amend section 6, page 2, by deleting lines 35 and 35 and inserting:

"candidates for President and Vice President of the United States or for nomination as presidential candidates shall provide, properly identified on the ballot label, an additional lever or other voting mechanism for such".

Amend section 6, page 2, line 38, by deleting: "or lines".

Amend sec. 0, page 2, line 39, by deleting "<u>section 2"</u> and insert: "<u>section 1</u> Amend section 5, page 2, by delecing line 41 and inserting:

"shall clearly explain the use of such additional lever in conformity with subjection 3 of paction 1.".

Amand section 7, cope 3, by deleting lines 3 through 5, and inserting:

"A. The number of choices registered on the additional lever required by

200

Amendment No. 3	<u>833 to 28</u>	27727	_Bill No.	336 (BDR_	24-371	) Page 3
section 4 of this	act; imme	diataly f	ollowing	the names	of the p	residential ca
didaces.or nominee	3. <sup>a</sup> .					
Amend the bill a	s a whole	by addir	ly a new	section, d	esignated	section <sup>5</sup> , fo
lowing section 4,	to read a	s follows	5 <b>5</b>			
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# PEQUESTED AFTER 40TH DAY

A.B. 463

SUMMARY--Provides alternate method for filling vacancy in office of justice of peace in certain townships. Fiscal Note: No. (BDR 1-1381)

AN ACT relating to the office of justice of the peace; providing an alternate method for filling a vacancy in the office of justice of the peace in certain townships; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- Section 1. NRS 4.150 is hereby amended to read as follows:
- 4.150 1. [When any] Except as provided in subsection 2, when a vacancy [shall exist or occur] occurs in the office of justice of the peace, the board of county commissioners shall appoint some suitable person to fill the vacancy until the next ensuing biennial election.
- 2. When a vacancy occurs in the office of the justice of the peace in any township having a population of 16,000 or more but less than 24,000, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, the board of county commissioners shall either:
  - (a) Appoint some suitable person; or
  - (b) Provide by resolution for a special election,

flush to fill the vacancy until the next ensuing biennial election.

- 3. The clerk of the board of county commissioners of each county shall, within 10 days after a vacancy has occurred in the office of justice of the peace by resignation or otherwise, certify the fact of such vacancy to the secretary of state.
  - Sec. 2. This act shall become effective upon passage and approval.



## WASHOE COUNTY REPUBLICAN CENTRAL COMMITTEE

AB410 145

TELEPHONE 786-3146
POST OFFICE BOX 6267 • RENO, NEVADA 89503

DAN POGGIONE
CHAIRMAN
EILEEN SCHOUWEILER
SECRETARY
JAMES R. (DICK) IDSO
TREASURER

March 24, 1975

TO: MEMBERS OF COMMITTEE ON ELECTION

FROM: DAN POGGIONE - CHAIRMAN, WASHOE COUNTY REPUBLICAN CENTRAL COMMITTEE

This is my written statement of sup ort for Assembly Bill 410. regarding changing reference date used for determining representation in County Political Conventions.

Please include this statement with your considerations of this bill.

Thank you,

Dan Poggione, Chairman Washoe County Republican Central Committee



# WASHOE COUNTY REGISTRAR OF VOTERS

P. O. BOX 3535 • RENO, NEVADA 25565 11130 89510 ABSO-1 DAVID L:HOWARD REGISTRAR 785-4194

March 25, 1975

Nevada State Assembly Election Committee 58th Session Carson City, Nevada

Dear Sirs:

Attached find a copy of a letter from James H. Shumway, Deputy Director of Elections for Maricopa County, Arizona indicating his county's disenchantment with the "write-in" provisions of the Arizona Election code.

It's quite explicit that "write-in" voting is a tremendous administrative burden to election officials and consequently an inordinate and unnecessary fiscal burden for the taxpayers.

A legislation provision for "write-in" voting in the State of Nevada will result in:

- 1. A drastic increase in election costs (5-15% of total election budget is not unrealistic);
- 2. A disappointing increase in election night processing time much to the chagrin of candidates, news media and the general public; and
- 3. Complicating a relatively simple election code, notwithstanding its archaic structure.

It has been argued that certain legal action will result if provisions for write-in voting are ignored. My humble experience with legal action concerning elections indicates that anything is possible but few things certain.

I urge you to dismiss any legislation providing for write-in voting for the State of Nevada.

Sincerely you

David L. Howard, Registrar

# MARICOPA COUNTY DEPARTMENT OF ELECTIONS

. 102 County Administration Bldg. 111 S. 3rd Avenue, Phoenix, Arizona 85003

DAVID J. NICOL. DIRECTOR

JAMES H. SHUMWAY, DEPUTY DIRECTOR

March 20, 1975

RECEIVED

Mar 24 9 59 AM '75

DAVID L. HOWARD

Mr. Dave Howard Registrar of Voters Washoe County P.O. Box 11130 Reno, Nevada 89510

Dear Mr. Howard:

In reply to our recent telephone conversation regarding write-in voting I am enclosing excerpts from our Arizona Revised Statutes and in this correspondence will explain Maricopa County's experience with punch card voting and the write-in vote.

Arizona Revised Statutes (A.R.S.) 16-1025 requires that an electronic voting system allow for the elector to vote for any person of his choice whether or not he be nominated as a candidate. A.R.S. 16-551 and 16-571 are restrictive in nature as to validity of the write-in and number of votes required, respectively. most recent addition to A.R.S. is 16-301.01 which causes the prospective write-in candidate to file a paper of intent on the Friday before the election.

In order to comply with write-in provisions referenced above the following sequence of events have been established in Maricopa County.

- 1. Provide filing papers to political parties and individuals and receive such filings when presented or mailed to Election office.
- 2. Compile list of write-in candidates by precinct to distribute to appropriate election board (write-in tally board).
- 3. Instruct the ballot inspection boards in the procedure for determining an overvote when a write-in is received and see that the board performs this function election night as the ballots are received.
- 4. Instruct as many boards as deemed necessary to function as write-in Tally Boards, using the verified list compiled in (2.) above.
- 5. Manually combine the Tally of write-ins to the computer generated tally.
- 6. Provide for the breaking of ties in the tally because usually a small vote takes place among write-ins and ties are prevalent.
- 7. Check each tally of write-ins to insure they meet the criterion established in A.R.S. 16-571 which requires that candidates must receive a specified number of votes.



by you see Dave, the write-in process is very demanding in both time and personnel. We have found that if we could eliminate the write-in checking at the ballot inspection board we could cut down the number of boards required by around 20%. At present we use 65 boards. The most important factor in obtaining efficient ballot tally is the through-put time of our processing boards and the elimination of the write-in feature in Arizona would substantially enhance our current procedures.

If I can be of further help to you in explaining the write-in feature of an election system please call anytime. It's a pleasure to share our experiences with fellow election officials and I'm sure it can only benefit those we serve, the general public.

Sincerely,

James H. Shumway

Deputy Director of Elections,

In Shumear

ENCL: JHS/cs