

Assembly

Election Committee Minutes
April 15, 1975

Tuesday, 8:00 a.m.
Room 336

Members Present: Mr. Demers
Mr. Chaney
Mr. Heaney
Mr. Vergiels
Mrs. Wagner

Members Absent: Mr. Sena (Excused Absence)
Mr. Young (Excused Absence)

<p>Guests:</p> <p>Everett Vaughn William Swackhamer David Howard Donald Klasic Stanton Colton Patrick Murphy Keith Ashworth</p>	<p>Representing:</p> <p>Mineral County TV, #1 Secretary of State Washoe County Attorney General Election Department, Clark County Assemblyman Assemblyman, Speaker of the Assembly</p>
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Mr. Demers called the meeting to order at 8:15 a.m. He announced the first order of business would be A.B. 507.

Mr. Vaughn stated that he was against this bill. He stated that the same question had come up in 1962 in Mineral County. In Mineral County he stated that television was an important source of entertainment, and can be considered as the main entertainment. He felt that the voters should have a say as to who is on the board. Mr. Vaughn stated that his salary was \$25. per month. He also stated that the television operated in the black and was never in the red. \$12. per year is appropriated in taxes from each voter to maintain the television equipment, throughout the county. He stated that there are 5 members on this board. He felt the word television should be eliminated from the bill. Mr. Heaney asked if he spent much money getting elected. He stated that he spent no money to get elected.

Mr. Swackhamer gave a short statement as to how this bill came into being. Out of some meeting with the County Clerks came several suggestions. The Clerks felt that it made the elections futile with too many names on the ballot.

Mr. Demers felt that the way the bill is written, these people can either be appointed or elected.

Mr. Howard stated that the bill was written to keep the ballot from being too long, but he felt the bill would not really change anything.

Mr. Demers announced the next order of business would be A.B. 508 which makes various changes in state election laws.

Mr. Howard stated this bill was generated because of the circumstance

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of the statewide recount. He stated that Section 7, page 2 is one of the most significant parts of the bill. He also said he felt it is important that officials do not have to go to courts in order to get opinions. The bill also requires that a candidate demand the recount.

Mrs. Wagner asked what is considered as a distinguishing mark on a ballot. It was stated that people should be instructed on distinguishing marks when they are doing a recount.

Mr. Swackhamer felt that there should be a broader examination of Section 7 of the Bill.

Mr. Heaney inquired whether a recount meant with a computer or with a hand recount. Mr. Swackhamer stated it meant with a hand recount. Mr. Demers stated another bill would cover this point and possibly it should not be discussed at this time.

Mr. Heaney stated that the reason he brought this up was because of a number of ink spots that were on the votes in the Reid-Laxalt race. He suggested an amendment to read good faith for the words reasonable man.

Mr. Demers stated the next order of business would be A.B. 520. He stated the reason for this bill was brought up by Assemblyman Roy Young. Mr. Young earlier stated that ballots were being turned in as late as three days after the election. Mr. Howard said that they had experience a little trouble with a precinct 110 miles away, but really no great problem.

Mr. Demers stated the next order of business would be A.B. 521. This bill authorizes write-in candidates at primary and general elections.

Mr. Heaney stated that this bill was brought up at the suggestion of Mr. Klasic of the Attorney General's Office. He stated he also discussed this bill with Mr. Colton.

Mr. Klasic stated this bill was related to the Lubin-Parrish decision. This is the case of an indigent candidate of the people not coming through with a filing fee. In California, you must pay a filing fee. The Supreme Court said this was unconstitutional to demand a fee if a person cannot afford to pay. In Nevada, we require any candidate to pay \$5. filing fee. Mr. Klasic felt that we should make write-ins permissible.

Mr. Klasic said other stated had not done much along these lines. Mr. Demers stated that in many states if a person wishes to run, he must attain a certain number (100 or so names) in a petition.

Mr. Colton stated in California, some candidates must pay 1% of their annual salary in order to file for election. In the Parrish case, it states only if you cannot afford it.

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Mr. Colton stated that there were no practical problems as far as he was concerned with a write-in candidate. However, he felt that the bill was too minimal and is written too loosely. The way the bill is now, needs more work.

Mr. Howard stated that he received a letter from the registrar in Phoenix and Mr. Colton indicated that there were no problems with write in votes. Mr. Howard stated that the press carried a tremendous amount of weight on election night. He stated that the registrar has said that 80% of their time is spent counting write-in candidates.

Mr. Smith stated that he was against the write-in vote. He stated that there is a deadline for filing a candidacy. He said that the voter must be given a chance to know who the candidate is. For, if you are going to eliminate the filing fee, there must be some safeguards.

Mr. Demers stated the next order of business would be A.B. 542. This bill calls for the provision of voters' pamphlets.

Mr. Murphy passed out the State of Washington's voter pamphlet which will be included in the minutes.

Mr. Murphy stated that the pamphlet defines what the voter will be voting for as well as a description of the candidates. It also has a provision for an absentee ballot. Mr. Murphy stated that the Committee might consider deleting Section 10 through 16. He stated he hoped the Committee would pass this bill and send it along to the Ways and Means Committee. This pamphlet would allow voters to know more specifically what they are voting for. The candidate pays \$200. for a full page ad of himself; \$100 for half a page; and \$50 for a quarter of a page.

Mr. Murphy stated that this pamphlet had been very successful in Oregon and Washington. These are used only in the general elections. Mr. Chaney inquired as to the cost of the pamphlet. Mr. Murphy said it could run between twelve to twenty-five thousand dollars. Part of that expense would be in mailing. He stated this would not conflict with the sample ballot.

Mr. Colton stated that on page 8, lines 4 and 5 could be deleted. The cost of bulk mailing was discussed which could be \$15. a thousand or 6 1/10¢ for the bulk rate.

Mr. Demers stated that the bill should be sent out as it is to Ways and Means as they will probably delete much of it. Mr. Vergiels felt the bill should be pared down before going to Ways and Means.

Mr. Ashworth suggested that if there are any amendments, the committee should have them put in now, and have it in perfect form before it is

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sent to Ways and Means.

The meeting was adjourned at 9:35 a.m. Mr. Demers announced the meeting would continue at 12:45 p.m. on this same day.

The meeting was called to order at 12:55 by Mr. Demers. The same members were present at this meeting with Mr. Sena and Mr. Young absent.

Mr. Demers stated the first order of business would be A.B. 570.

Mr. Swackhamer spoke and said he would first like to address himself to A.B. 542. He stated that he had contacted Washington, Oregon and California to get opinions on the pamphlet. He stated that Governor Jerry Brown had come up with a good idea of getting a political writer (an out of state person) to write out the bill, resolutions etc. that are to be considered in laymans language. Mr. Swackhamer stated he had a person who could do this type of writing in California and his name is George Murphy of the legislative council in California.

Mr. Swackhamer stated that part of the problem with A.B. 570 was that a candidate could come in and file to run for the supreme court although he did not necessarily have to run against someone else. Mr. Demers asked if the candidates should run at large. Mr. Swackhamer said, "no".

There was considerable discussion on the amendments of this bill, concerning Section 3, 4 and 5. On page 4, line 19, it was agreed to change third to read second. It was pointed out by Mr. Colton that he had encountered some difficulty with relatives running against each other in Bunkerville.

On page 3, line 23, Mr. Heaney inquired what the term certificate of candidacy meant. It was explained that independent candidates files for a certificate of candidacy. Mr. Swackhamer stated that the filing would be different because the signatures the independent must get might be challenged. Mr. Swackhamer stated the independent paid the same filing fee as any other candidate.

Mr. Swackhamer stated that Section 6 was requested by the County Clerks.

Mr. Colton stated he would like to see some of the present precincts combined, especially for a presidential election. In Section 6, line 7, Mr. Heaney suggested that the word shall be changed to may. Mr. Demers asked Mr. Colton if he preferred different wording and he stated, "no". He stated what he mainly was interested in was combining precincts into districts.

Mr. Swackhamer stated he would like some authority to interpret the laws but at the same time, he did not want dictatorial power. Presently, he stated there were too many people interpreting for candidates as

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to filing fees; whether they file or not etc.

Mr. Demers felt that the Committee should refer back to A.B. 294 and use the same wording as to the Secretary of States' powers.

Mr. Swackhamer stated that there are constantly things coming up that are not covered by the law and they are having to continually go to court to interpret the law. Mr. Swackhamer stated that on page 6, line 5, the clerks had requested this. Mr. Swackhamer stated that Section 12 was given for uniformity.

In Section 13, it was agreed that the word punchboard should be changed to punchcard. On lines 39 and 42, the days should be changed to 25 days.

Mr. Swackhamer stated that page 7, line 45 was very important and he felt that the Committee should not rush through this bill. Mr. Swackhamer stated there had been some difficulty with a request for two recounts (Harry Reid and Beverly Harrell). Mr. Swackhamer stated that they had to call off one recount. He also stated it would make sense to pro-rate the cost of the recount.

Mr. Colton stated that the rejection of the ballot does not mean the entire ballot. It was agreed that Section 19, line 25 should have some other language.

The meeting adjourned at 1:40 p.m. Mr. Demers stated the Committee would meet again tomorrow (April 16), Wednesday at 12:45 p.m.

All members of the Committee were present on Wednesday at 12:45 for a continued meeting.

A discussion was held on A.B. 570 and its amendments. Mr. Demers stated he would present the amended bill to the bill drafters and then bring it back for the Committee's approval.

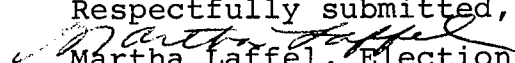
A.B. 507. A motion was made to pass by Mr. Young and seconded by Mrs. Heaney. All members of the Committee voted "no" except Mr. Young and Mr. Heaney. The bill was "killed". A motion was made by Mr. Heaney and seconded by Mr. Young to reconsider the bill as amended. All members voted unanimously for the bill as amended. A motion was made by Mrs. Wagner and seconded by Mr. Sena to pass the bill as amended.

A.B. 508. A motion was made to pass as amended by Mr. Sena and seconded by Mr. Heaney. All members voted unanimously for the bill.

A.B. 520. A motion was made to indefinitely postpone this bill by Mr. Demers, and seconded by Mrs. Wagner. Meeting adjourned at 1:35 p.m.

Attachments as requested: AB 542 (2)
 by Committee members. AJR 4 (2)

AB 521
 ACR 41
 ACR 24
 AB 520

Respectfully submitted,

 Martha Laffel, Elections Secretary

ASSEMBLY
HEARING

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COMMITTEE ON..... ELECTIONS
Date April 15, 1975 Time 8:00 A.M. Room 336

<u>Bill or Resolution to be considered</u>	<u>Subject</u>
A. B. 507	Requires County Commissioners to provide for appointment instead of election of board of trustees of any general improvement district furnishing television or water facilities.
A. B. 508	Makes various changes in state election laws.
A. B. 520	Requires delivery of ballots to county clerk by midnight.
A. B. 521	Authorizes write in candidates at primary and general elections.
A. B. 542	Provides for voter pamphlet.
A. B. 570	Revises provisions relating to elections.

ACTION TAKEN AT 4/8/75 MEETING

✓ A.B. 416	amend and do pass
✓ A.B. 434	amend and do pass
✓ A.B. 458	tabled due to provisions in amendment to A.B. 294.
✓ A.B. 467	do pass
✓ A.B. 499	tabled due to provisions in amendment to A.B. 294.
✓ ACR 41	do pass
✓ AJR 19	held pending clarification.

Exhibits at end of minutes include:

AB 542 (2)
AJR 4 (2)
AB 521
ACR 41
ACR 24
AB 520

PATRICK M. MURPHY
ASSEMBLYMAN
DISTRICT NO. 28, RENO
100 N. ARLINGTON AVE.
RENO, NEVADA 89501



COMMITTEES
VICE CHAIRMAN
GOVERNMENT AFFAIRS
MEMBER
HEALTH AND WELFARE
TAXATION 161

Nevada Legislature

FIFTY-EIGHTH SESSION

April 3, 1975

A. B. 542 FACT SHEET

An act relating to elections; providing for the production and distribution of a voters' pamphlet;

The voters' pamphlet shall contain:

The condensation of each measure to be voted upon statewide.

The entire text of all measures to be voted upon statewide at the general election.

Photographs, biographical data and statements of the candidates including U.S. Senate, U.S. Representative, Governor, Lt. Governor, Secretary of State, State Treasurer, State Controller, Attorney General, State Senator, State Assemblyman and Justice of the State Supreme Court candidates.

A voting checklist.

An application form for a general election absentee ballot.

ESTIMATED COST would be \$12,500 to \$25,000. (Two fiscal notes will be drafted.)

This pamphlet was designed after the State of Washington's voter pamphlet. It has been modified for Nevada.

COMMENTS

Probably the most important facet is that it will include proposed constitutional amendments as well as referendum. It will include a statement for, a rebuttal to that statement, a statement against, and a rebuttal to that statement.

The statewide ballot issues are probably the most important items on the ballot. However we find a tremendous dropoff in the number of those who vote for U. S. Senator, for example, and those who vote on constitutional amendments. Part of the problem is that the average person does not understand the ballot issues as they are complex and they do not receive a great deal of public attention. Hopefully, a better informed voter will feel more confident in voting on constitutional amendments than previously.

By placing statewide candidates in the pamphlet with a photograph, biographical information, and personal statement by the candidate we can provide an opportunity for each voter to study the candidates in some depth at their convenience. (The voters' pamphlet would be in addition to the current sample ballot.)

It will also allow a candidate in the election to get good coverage with a minimal expense. And at a time when the public has indicated a desire to remove the heavy use of money in campaigns by individuals, this voters' pamphlet could be a good alternative.



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STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
SUPREME COURT BUILDING
CARSON CITY 89701

A.J.R.4

ROBERT LIST
ATTORNEY GENERAL

April 15, 1975

Honorable Robert E. Heaney
Nevada State Assemblyman
Nevada Legislature
Carson City, Nevada 89701

Dear Mr. Heaney:

You have stated that Assembly Joint Resolution No. 4 proposes to amend Article 2, Section 9 of the Nevada Constitution. This constitutional provision currently provides, in its pertinent parts:

"Every public officer in the State of Nevada is subject, as herein provided, to recall from office by the registered voters of the state, or of the county, district, or municipality, from which he was elected. For this purpose a number of registered voters not less than twenty-five per cent (25%) of the number who actually voted in the state or in the county, district or municipality electing said officer, at the preceding general election, shall file their petition, in the manner herein provided. . . ."

Assembly Joint Resolution No. 4 would amend Article 2, Section 9 of the Nevada Constitution to read as follows:

"Every public officer in the State of Nevada is subject, as herein provided, to recall from office by the registered voters of the state, or of the county, district, or municipality, from which he was elected. For this purpose a number of registered voters not less than twenty-five per cent (25%) of the number who actually voted in the state or in the county, district or municipality electing

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such officer, at the last preceding state-
wide general election, shall file their
 petition, in the manner herein provided
" (Underlining indicates new words)

The most significant change in this amendment is the addition of the word "statewide" before the words "general election".

You have requested advice on two (2) questions dealing with Article 2, Section 9 of the Nevada Constitution. The first question relates to the meaning of the words "general election". You wish to know whether this term refers to the statewide November election or whether it applies to the particular election at which state, county, district or municipal officials are specifically elected. In the case of municipalities, for example, this election takes place on a different date from the November statewide general election. In other words, you wish to know whether the addition of the word "statewide" to Article 2, Section 9 of the Nevada Constitution by Assembly Joint Resolution No. 4 merely clarifies the term "general election" or whether it creates a new standard for identifying the number of people needed to sign a recall petition.

Article 2, Section 9 of the Nevada Constitution has been previously amended only once before. This constitutional provision originally read as follows:

"Every public officer in the State of Nevada is subject, as herein provided, to recall from office by the qualified electors of the state, or of the county, district, or municipality, from which he was elected. For this purpose, not less than twenty-five per cent (25%) of the qualified electors who vote in the state or in the county, district, or municipality electing said officer, at the preceding election, for justice of the supreme court, shall file their petition in the manner herein provided" (emphasis added)

The means of determining the number of persons needed to sign a recall petition was, therefore, tied to the election of a supreme court justice. The reason for choosing the office of justice of the supreme court for this purpose

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was because, in 1912 when Article 2, Section 9 was added to the Constitution, this office was the only state office to which a candidate was elected every two (2) years. See Attorney General's Opinion No. 4 of January 13, 1917. As can be seen, it was the intent of the Legislature which originally proposed Article 2, Section 9, to determine the number of names on a recall petition by referring to the statewide November election. This was the only election at which a justice of the supreme court could be chosen.

In 1970, however, Article 2, Section 9, was amended into its present form. The words "qualified electors" were changed to read "registered voters" and the words "at the preceding election, for justice of the supreme court" were changed to read "at the preceding general election". The hearings in the Assembly Judiciary Committee, when this proposed amendment was introduced in 1967, indicate that the amendment was sponsored by the Legislative Counsel Bureau. The Bureau was concerned only with changing the words "qualified electors" to the words "registered voters". Mr. Russ McDonald of the Bureau explained that several Nevada Supreme Court cases had ruled that a qualified elector did not necessarily mean a registered voter. Therefore, it would be difficult, if not impossible, to determine how many qualified electors there were in the state for the purposes of determining how many names were necessary on the recall petition since there was no listing of all qualified electors. On the other hand, registered voters were listed on voter-registration rolls and therefore, he urged that the Nevada Constitution should be amended to tie recall petitions to the number of registered voters. The Assembly Judiciary Committee, however, also decided that it would drop the words "for justice of the supreme court" from the constitutional provision. It would then add the word "general" to the words "at the preceding election" in order to differentiate between a primary and a general election. See Minutes of the Assembly Committee on the Judiciary, 54th Session, February 8, 1967, attached hereto.

When the Assembly Judiciary Committee's amendment was voted upon in the Assembly on February 10, 1967, the chairman of the committee, Mr. Wootter, made the following comments on the Assembly floor, which was recorded and is currently stored with the State Archives:

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"The original bill, "said Mr. Wootter,"
was requested by the Legislative Counsel
to clarify the law regarding the recall
of public officers in the constitution.
When it was introduced in the com-
mittee, we suggested two changes which
Mr. McDonald agreed would be an improve-
ment upon the bill. The first is to add
'general' to the word 'election' so that
we know which election we're talking
about. The second is to delete the
words 'justices of the supreme court'
so that we are talking about the
total vote cast in each election".
(emphasis supplied)

This reasoning was further explained on the
Assembly floor during the next session of the Legislature
when this proposed amendment had been reintroduced. On
February 13, 1969, as the recorded floor debate now stored
with the State Archives shows, Mr. Kean explained the pro-
posed amendment prior to the vote on the amendment in the
following words:

"The bill basically refers to those
people who can sign a petition for
the recall of a public officer . . .
It used to read as 'qualified elector'.
A 'qualified elector' is a rather
nebulous term and it is rather hard
to distinguish who 'qualified electors'
are. Worse than that, it's harder to
say how many 'qualified electors' there
are. In order to make the term more
specific, we are asking that the public
concur with us to changing to a more
specific way and to . . . referring to
those who actually voted in the last
election . . . those who can count
and we can determine exactly. . . .

"We are also changing the reference to
drop the justices of the supreme court
and the number of voters voting for.
Now let me explain that. Many times
the justice of the supreme court is a

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noncontroversial election. There may be only one man running and many people will not vote for that office because it is a non-contested office. Therefore, we are asking the public to agree with us again in changing it to a specific number, to be more representative of the number of people who vote. That would be the number who actually voted. And I ask for your aye vote on this resolution."

As was earlier stated, Article 2, Section 9 of the Nevada Constitution originally tied the question of determining the number of persons necessary to sign a recall petition to the statewide November election. It seems clear from the above legislative history of the 1970 amendment to Article 2, Section 9, that it was not the intent of the Legislature, by dropping the words "for justice of the supreme court", to change this means of determining the number of persons necessary to sign a recall petition from the statewide November election to whatever election that a state, county, district or municipal officer was elected. It was felt that not all the persons who voted at a statewide November election voted in the supreme court justice race. To eliminate this problem and to insure that all the people who voted at the statewide November election were counted for the purpose of determining a recall petition, in other words, the total vote cast, the words "justice of the supreme court" were dropped from Article 2, Section 9, and the word "general" was added to that section.

Accordingly, it is the opinion of this office that the term "general election", as used in Article 2, Section 9 of the Nevada Constitution, means the November statewide election. Therefore, Assembly Joint Resolution No. 4, by adding the word "statewide" to the words "general election", does not change the number of persons needed for a recall petition, but merely clarifies the actual meaning of Article 2, Section 9.

Your second question, regarding Article 2, Section 9 of the Nevada Constitution, refers to the words "For this purpose a number of registered voters not less than twenty-five percent (25%) of the number who actually voted in the state, county, district or municipality electing said officer,

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at the preceding general election, shall file their petition in the manner herein provided. . . ." You wish to know whether this means that a recall petition should contain the names of not less than twenty-five percent (25%) of the registered voters who actually voted in the state or in the county, district or municipality for the officer being recalled, or whether it means that the recall petition should contain the names of the number equal to twenty-five percent (25%) of the registered voters within the state or in the county, district, or municipality who voted at the last preceding general election.

The legislative history, as reflected in the recorded words of Mr. Woolter and Mr. Kean quoted above, clearly indicate that the legislative intent was to tie recall petitions to the total number of persons who voted at the last preceding general election and not merely to those who voted for a particular official at that election. Thus, Mr. Woolter was quoted on February 10, 1967, as saying on the Assembly floor, "The second [reason] is to delete the words 'justices of the supreme court' so that we are talking about the total vote cast in each election." Mr. Kean stated, in his recorded comments on the Assembly floor on February 13, 1969, "Therefore, we are asking the public to agree with us again in changing it [Article 2, Section 9] to a specific number, to be more representative of the number of people who vote. That would be the number who actually voted."

Accordingly, it is the opinion of this office that Article 2, Section 9 of the Nevada Constitution requires that a recall petition should contain the names of not less than twenty-five percent (25%) of the registered voters within the state or in the county, district, or municipality affected who voted at the last preceding statewide general election.

Sincerely,

ROBERT LIST
Attorney General

By: 
Donald Klasic
Deputy Attorney General

DK:rmf

MINUTES OF MEETING - COMMITTEE ON JUDICIARY, 54th Session, February 8, 1967

Meeting commenced at 9:15 A.M.

Present: Wooster, Kean, Swackhamer, White, Lowman, Dungan, Hilbrecht

Absent: Torvinen, Schouweiler

SJR 4: Proposes constitutional amendment to clarify qualifications of petitioners required to recall public officers.

Russ McDonald was present to speak on this resolution. He said he has already prepared one amendment, because it did not parallel some of the Supreme Court cases. The problem is how do you measure who is a qualified elector when you get one of these petitions? You automatically go to registered rolls but maybe the name does not appear on the rolls and yet the person is a qualified elector having met all the requirements, such as length of residence, etc. However, the fact that you are a registered voter does mean that you are a qualified elector. The Constitution is ungrammatical and not clear on this point. If you use the words "that voted in the last election" it makes this requirement clear.

Mr. Kean suggested using "who voted for member of the House of Representatives".

Mr. Hilbrecht suggested using "general election".

Mr. McDonald mentioned that in many cases the primary election is not considered an election. If the committee is going to take the Justice of the Supreme Court out and substitute something else they may need to clarify it quite a bit. The "general election" seemed to Mr. McDonald to be the best solution.

Mr. Swackhamer said that if we change the wording from "qualified electors" we are diminishing the number that could be counted. Would 25% still be a proper figure? Mr. McDonald said that figure should still be all right.

Mr. Lowman said that a general election in a city is not necessarily the same as a general election in the county. Will there be a problem here?

Mr. Wooster said we have had suggestions for amendment which would be to delete "the Justice of the Supreme Court" and substitute "general election"

Mr. Hilbrecht moved that the bill be amended according to the suggestions and be given a Do Pass.

Mr. Lowman seconded

Motion passed unanimously

AJR 4: Proposes constitutional amendment to allow new courts to be created by law.

Mr. Wooster said that the question on this is whether or not this proposed amendment would allow the legislature to withdraw the jurisdiction of the District Court.

Mr. McDonald said he did not think the bill would do this. The Constitution spells out the jurisdiction of the various courts. It would not be possible to set up a new Probate Court if there were already one. The legislature previously shifted Juvenile Court cases to some other court because the limitations of the Constitution would not let them create a new court.



WASHOE COUNTY
REGISTRAR OF VOTERS

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DAVID L. HOWARD
REGISTRAR
785-4194

P. O. BOX ~~322~~ • RENO, NEVADA ~~89505~~
11130 89510

A.B.521

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.

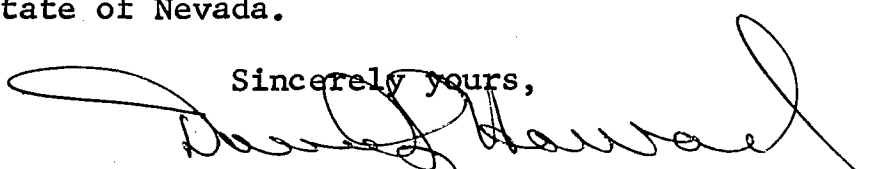
A legislation provision for "write-in" voting in the State of Nevada will result in:

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 yours,


David L. Howard, Registrar

MARICOPA COUNTY DEPARTMENT OF ELECTIONS

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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
REGISTRAR
BY  DEPUTY

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. The 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.

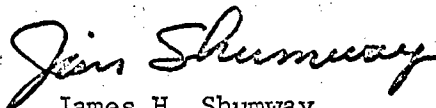
In order to comply with write-in provisions referenced above the following sequence of events have been established in Maricopa County.

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.

As 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

ENCL.
JHS/cs



173

Nevada Legislature

FIFTY-EIGHTH SESSION

April 14, 1975

A.J.R. 4

Mr. Don Klassic
Deputy Attorney General
Attorney General Central Office
Supreme Court Building
Carson City, NV 89701

Re: A.J.R. 4 - Recall of Public Officers

Dear Don:

Pursuant to our conversation last week, the Assembly Elections Committee would very much appreciate your assistance in resolving the question asked in the copy of the accompanying letter to Perry Burnett.

Unfortunately, Legislative Counsel has not found the time to answer the question. The question, simply stated, is whether by the addition of "statewide", are we changing the number of persons needed for a recall petition or merely clarifying what was intended when the Constitutional provision for recall was enacted?

Inasmuch as I understand through conversation with Judge Hayes that you have done research in this area of inquiry, but your testimony does not appear in the Committee's minutes for February 11, we respectfully request the benefit of your opinion.

If you could have an opinion for us before our next Elections Committee meeting, April 22, it shall be of great assistance. Thank you.

Sincerely,

Robert E. Heaney

cl

Enc

cc: Robert List, Attorney General
Daniel J. Demers, Chairman
Assembly Election Committee

♦ ♦ J A S P E R ♦ ♦

The movie industry had its annual bash last night to present Oscar awards for everything from top acting, directing and film work, to singing, song writing and costume design — even one for “snowing” the public with a thing called a documentary. What a travesty on use of the word.

The co-producer of the alleged documentary on Vietnam proudly announced that “on the eve of the liberation of Vietnam” he was happy to read a telegram from a North Vietnamese delegate to the Paris peace conference thanking “friends in America” for their support of the “liberation” movement.

Axis Sally and Tokyo Rose were just about 30 years ahead of their time or they, too, might have been nominated for Oscars by “friends in America” who thrive on “new direction” no matter where it might lead us.



There are many members of the 1975 session of the Nevada State Legislature who were not around away back in 1971 when the session approved Assembly Concurrent Resolution No. 20 directing the Legislative Commission to study the election laws of the state and to report back to the 1973 session.

Under the able direction of Assemblyman Darrell Dreyer (presently speaker pro tempore of the lower house), the study was conducted and participating in sessions held in Reno and Las Vegas were members of both houses along with then Secretary of State John Koontz, a number of county election officials, and public representatives.

The differences of opinion were many and varied on proposed changes, but the committee did hammer out some recommendations and Dreyer duly made his report to the 57th session. Unfortunately, some of the legislators who worked hard on the study were not back in 1973 (by direction of the voters), there were new faces in some of the county courthouses, and the makeup of the legislature had changed considerably.

Many of the new legislators (and some of the old ones) had fixed and firm opinions of their own, study or no study. As usual, there were some amendments to the election laws approved, but the laws were not necessarily improved. So, at this 1975 session, there has been introduced ACR 24 which “Directs Legislative Commission to study the state election laws and to make a report of the results of the study with recommendations for proposed legislation to the next regular session of the Legislature.”

Which might be a good idea — IF — the present session agrees to kill or sensibly amend most of the bills introduced this year to make changes in the election laws, because, if some of them slip through there will be more confusion at the next general election (and next recount) than ever before. The number of bills pertaining to elections are coming from all directions and, quite understandably, some totally contradict others. Among these are:

Assembly Bill 508 proposes certain amendments designed to clarify disputable points in existing law, including recount procedure. But the new definition: “Recount” means a retabulation of ballots cast in any primary or general election in the same manner as such ballots were originally tabulated.

Good grief, having witnessed the nit-picking in the Laxalt-Cannon recount and later in the Reid-Laxalt recount, some “official observers” would demand that every contest from U. S. Senator to constable be retabulated, as a delaying tactic and also to run up the cost on the candidate seeking the recount. Somewhere in that definition the “recount” should be restricted to the particular race (or races) for which the recount is being held.

Another section of AB 508 seeks to spell out whether a ballot bearing a “distinguishing mark” should be rejected. So far, so good, but along comes AB 521 which would permit “write-in” voting in Nevada. Anyone want to argue with a criminologist or a bank teller that a person’s hand writing is not a “distinguishing mark?”

Not mentioned in AB 521 is how the poll and tally books are to be made up to provide space (an unknown quantity) for recording the vote given one or 521 write-in candidates. Or what the counting board is supposed to do if it cannot decipher the name of the person for whom a “write-in” vote was cast. This is one bill that should be directed to a “study” group.

We don’t know whether AB 520 was offered as a gag, but it has a “Cinderella” theme by requiring that all election materials including VOTED BALLOTS and tally books, be returned to the county clerk “by midnight of election day.” Someone should offer an amendment to that bill restricting the number of voters who can vote on election day to “a safe minimum to insure that all ballots will be counted prior to midnight.” AB 520 shouldn’t require any further “study.”

One bill that does need a great deal of study — and cost research — is Assembly Bill 542 which bears the simple summary: “Provides for voters’ pamphlet.” This is a gimmick that was “sold” in some other states to “better inform” the voting public about the “questions” that appear on the ballot (usually proposed amendments to the state constitution).

California went for this pitch a few years back and now it is stuck with an unbelievable waste of taxpayers money. In the 1974 general election the

(Continued on Page 4)

ACR 24

PAGE FOUR

• JASPER

(Continued from Page 1)

"pamphlet" to "explain" 17 questions on the ballot comprised 94 pages (page size 9x12), and both the book size and wording would make an income tax return and instruction booklet seem simple by comparison. The cost for printing 11½ million copies amounted to \$900,000; trucking charges to each county seat were no small item, and the counties got stuck for the postage to mail a copy to every voter.

Not only does AB 542 seek to burden us with the California confusion, but in addition to subjecting the voters to all the pro and con arguments on ballot questions, it provides for this added reading pleasure:

"Each nominee for the office of United States Senator, Representative in Congress, governor, lieutenant governor, secretary of state, state treasurer, state controller, attorney general, state senator, state assemblyman and justice of the supreme court may file with the secretary of state a written statement advocating his candidacy accompanied by biographical data and a photograph not more than 5 years old and of a size and quality the secretary of state deems suitable for reproduction in the voters' pamphlet."

Candidates for U. S. Senator, Congressman and Governor can praise themselves up to a limit of 400 words and get a full page in the pamphlet for \$200. For all other offices the candidates are limited to 200 words and pay \$100 for a half page. At today's prices for printing, postage, addressing and mailing services, we're sure every candidate would accept a bargain like that.

An article in Monday morning's Reno Journal presented AB 542 in favorable light and noted the cost of providing every voter with a "catalog" would be between \$12,500 to \$25,000. Someone had better check the cost of newsprint, the cost of labor in the state printing office, and the cost of postage, even at bulk rate.

Also in the Journal story was the statement the voter would still receive a sample ballot prior to election. Not according to the very last sentence in AB 542 which states:

"The mailing of sample ballots to voters is not required when the voters' pamphlet is mailed to them as provided in Section 18 of this act."

Yes, indeed, there is a need for a thorough study of the election laws, and especially those measures which are being offered as new election laws.

WM. D. SWACKHAMER
SECRETARY OF STATE

STATE OF NEVADA
DEPARTMENT OF STATE

(MRS.) BOBBIE HOWARD
CHIEF DEPUTY
RUSSEL W. BUTTON
DEPUTY



CARSON CITY, NEVADA 89701

April 7, 1975

A.C.R.41

176

Honorable Daniel J. Demers, Chairman
Assembly Elections Committee
Legislative Building
Carson City, Nevada 89701

Dear Mr. Demers:

In reply to your letter of April 2, we have on this date, prepared the enclosed letter for the subject candidates, which was mailed with noted enclosures.

I should like to observe that on October 7th and on December 6th, we forwarded to the Attorney General a list of all the candidates who were not in compliance, but did not forward a list of single county filings to the appropriate District Attorneys.

Sincerely,

Wm. D. Swackhamer
Wm. D. Swackhamer
Secretary of State *lh*

WDS:brc
Encl.

STATE OF NEVADA
DEPARTMENT OF STATE



177

CARSON CITY, NEVADA 89701

April 4, 1975

Dear Candidate:

Please find enclosed a copy of ACR 41, which requires this office to notify enforcement officials of the names of legislative candidates who failed to file the required reports for the last election.

Our records indicate that you did not report for the:

1974 Primary Election-----
1974 General Election-----

As the resolution sets April 15th as the date we must make this report, we are enclosing a blank reporting form for your convenience if you would wish to meet this deadline.

We trust this will be of help to you.

Sincerely,

Wm. D. Swackhamer
Secretary of State

WDS:brc
Encl.

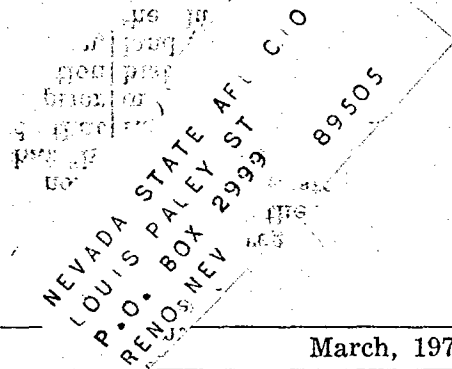
Candidate Name	District Number	Certified No. 178
Mr. Mark S. Miller 3970 Edwards Lane Fallon, Nevada 89406	Churchill & Pershing Co. #37 General	# 125245
Mr. Dan Hockenberger 643 Pine Meadows Drive, #2 Sparks, Nevada 89431	Washoe, #31 Primary	# 125246
Mr. William N. Denton 1690 Radcliff Drive Reno, Nevada 89502	Washoe, #26 General	# 125247
Ms. Joni M. Wassell 2894 Karen Avenue, Apt. 3 Las Vegas, Nevada 89109	Clark, #15 General	# 125249
Ms. Doris V. Winger 448 North Clayton Street Las Vegas, Nevada 89110	Clark, #14 General	# 125250
Mr. Arnold D. McIntosh 6080 Harrison Drive Las Vegas, Nevada 89109	Clark, #13 Primary	# 125251
Mr. Nicholas A. Costanza 1622 Phillips Avenue Las Vegas, Nevada 89105	Clark, #9 Primary	# 125252
Mr. Derreld A. Hallenbeck 1215 Las Vegas Blvd., North Space 11 Las Vegas, Nevada 89101	Clark, #6 General	# 125253
Mr. Albert L. Dunn 413 Adams Avenue Las Vegas, Nevada 89106	Clark, #6 Primary and General	# 125254
Mr. Paul L. Spiel, III 1600 Durell Lane Las Vegas, Nevada 89102	Clark, #2 General	# 125255
Mr. John Shipp 5405 Auborn Avenue Las Vegas, Nevada 89108	Clark, #1 General	# 125256
Mr. Ian Stevens P. O. Box 128 Silver City, Nevada 89428	Western Nevada Senatorial General	# 125257
Mr. Earl Swift 1516 McGuire Street Las Vegas, Nevada 89106	Clark, #6 Primary	# 125260



NEWS AND VIEWS

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Volume 17 — No. 3

March, 1975

Calendar of Events

- APRIL 4-6
—U.S.W.A. Sub-Dist. 2 Education Conference, Pokagon State Park, Angola, Indiana
- APRIL 11-13
—L.C.L.A.A. 1st National Convention, Airport Mariana Hotel, Albuquerque, N. M.
- APRIL 13-14
—C.O.P.E. Leadership Conference, Pich Congress Hotel, Chicago, Illinois
- APRIL 24-25
—67th Annual Indiana Pipe Trades Convention, Executive Inn, Evansville, Indiana
- APRIL 26-27
—130th Semi-Annual Typo-Mailer Conference, Holiday Inn, Terre Haute, Indiana
- MAY 10
—Delaware County CLC Awards Dinner, Steelworkers Hall, Muncie, Indiana
- MAY 15-16
—Indiana State AFL-CIO Executive Board Meeting
—Joint Meeting of Executive Board and CLC Presidents, Ramada Inn, Greenwood, Indiana
- MAY 16-18
—Randolph Institute Conference, Baltimore Hilton, Baltimore, Maryland
- MAY 16-17
—U.S.W.A. Sub-Dist. 1 Legislative & Education Conference, Pokagon State Park, Angola, Indiana
- MAY 22-24
—State Convention, Carpenters and Joiners, Executive Inn, Evansville, Indiana
- MAY 23-25
—AFL-CIO Region #1, Six

POSTCARD REGISTRATION... IT WORKS

Voter registration by postcard has been tried—and it works. In every state where the procedure has been adopted, it has produced more registrants and more participants on election day. The experience has proved COPE's long-standing contention that if the laws make it easier for citizens to participate in larger numbers, they will.

The challenge now is to make postcard registration a national law. The Congress is expected to get to it this year. Last year, the proposal—by Sen. Gale McGee (D.-Wyo.)—passed the Senate but was beaten in the House by just six votes. Many of the newcomers elected in November replaced foes of the bill and can be expected to support it.

The performance of postcard registration at the state level makes a compelling case for adoption as a national law.

Increased registration in three states — Minnesota, Maryland and New Jersey

- State Meeting, Indianapolis, Indiana
- JUNE 18-21
—Midwest Labor Press Conference, Northern Michigan University, Marquette, Michigan
- JULY 28 - AUG. 1
—Indiana State AFL-CIO Summer School, Indiana University, Bloomington, Indiana

—where postcard registration has been adopted illustrates the effectiveness of the method in enrolling greater numbers of voters.

Minnesota now has the most advanced registration procedures. There, registration forms may be obtained at public buildings or distributed by civic groups, labor groups and political organizations. The forms must be mailed by the registrant at least 20 days prior to an election. A postcard is returned to the voter, giving the address of the polling place and other election information. Gov. Wendell Anderson has said that safeguards against fraud are as effective under the new system as they were under the old law, and no case of suspected fraud has been reported. Registration in Minneapolis increased in 1974 by about 10 percent over comparable previous election years.

In New Jersey, where a similar registration law was enacted, the governor's office has reported that "in the six-week period that the law was in effect prior to the close of registration for the general election, 135,935 persons registered to vote and more than 75,000 by mail. This represents a three-fold increase over the number of registrations in all of 1970, the

last comparable off-year." The increase in registered voters during 1974 was the largest such increase since 1962.

In Maryland, a county option system of registration by mail was operative in 1974 in five areas encompassing 62 percent of the state's population. Two additional counties were added in January, 1975, extending registration by mail to a total of 85 percent of Maryland's population. In 1974, in the city of Baltimore and in Montgomery County, the new procedure increased registration by 500 percent. The average volume in Baltimore was about 500 registrants a month prior to mail registration and 2,500 a month after the new law went into effect. The monthly volume in Montgomery County increased from 300 to 500.

Mail registration has eliminated the necessity for hiring large numbers of clerks to try, not always successfully, to register the huge numbers of prospective voters who historically crowded Maryland registration offices on the last day before the close of registration. In Montgomery County the cost of additional personnel was \$34,000 in 1972, compared with \$13,000 in 1974.

ALEXANDRIA N. METSCHER
NYE COUNTY CLERK
[REDACTED]
CHIEF DEPUTY CLERK

OFFICE OF
Nye County Clerk
NYE COUNTY
TONOPAH, NEVADA 89049

180
OFFICE PHONE
482-3330
P. O. Box 1031

A.B.520

8 April 1975

Committee on Elections
Assembly-Nevada
Carson City, Nv 89701

RE: Assembly Bill No. 520

Dear Committee:

This is a protest to this bill in adding the phrase "delivered to the county clerk by midnight of election day".

As we are not yet into computerizing our election, that phrase will cause a hardship on our election boards. The counting of several hundred ballots manually takes some time.

Also, some of the precincts are some miles from the courthouse where the clerk's office is situated; at 55 miles an hour, it would take several hours for the ballots, pollbooks, tally lists and election board register to be returned to the county clerk by midnight of election day.

So I object ^{to} the Bill #520

Very truly yours,

Alexandria N. Metscher
Alexandria N. Metscher
Nye County Clerk

Board of County Commissioners
Nye County

A.B.520

STATE OF NEVADA
PHONE 482-3330 P. O. Box 1031
TONOPAH, 89049

April 8, 1975

Honorable Daniel J. Demers
Chairman, Committee on Elections
Assembly Chamber
Legislative Building
Carson City, Nevada 89701

Re: A. B. 520

Dear Mr. Demers:

The Board of Nye County Commissioners is unalterably opposed to the passage of A. B. 520, introduced by the Assembly Committee on Elections on April 2, 1975.

This bill, if enacted, would be impossible to execute in Nye County. For example, the Pahrump precincts, two in number, are located 170 miles from the county seat. At the present time, both of these precincts are near the 400-voter limit which, we understand, may now be increased to 600 voters. The transportation of these ballots from the Pahrump precincts to Tonopah would in itself require more than three hours and, since the voting hours are now to be extended to 7:00 p.m., you can appreciate that less than two hours would be allowed for counting all of the ballots and executing the other requirements imposed by law. In the rural counties where paper ballots are still in use, the counting of the ballots is seldom completed by midnight. To add this requirement would result in a further delay in announcing the results because it would be impossible to complete the counting, and, for this reason, the counting would have to be completed in the County Clerk's office upon the arrival of the ballots thus disrupting the entire elective process.

For the foregoing reasons, it is respectfully requested that this proposed legislation be defeated.

Respectfully submitted,

BOARD OF NYE COUNTY COMMISSIONERS

By: Andrew M. Eason

Andrew M. Eason, Chairman

AME/rt

cc: Assemblyman Don A. Moody
Senator Richard E. Blakemore

STANTON B. COLTON
Registrar



OFFICE OF THE

Registrar of Voters

CLARK COUNTY, NEVADA

400 Las Vegas Boulevard South • Las Vegas, Nevada 89101 • Telephone (702) 382-4982

A.B.542

April 5, 1975

Assemblyman Dan Demers
Legislative Building
Carson City, Nevada 89701

Dear Dan:

I have just completed reading Assembly Bill 542. The initial intention of the voter pamphlet, as I presented to Jean Ford before the beginning of the 57th session, was extensively to provide information, clear-cut information, for the voter in dealing with Constitutional Amendments, and the propositions that appear on the ballot. The addition of an absentee ballot request form would seem appropriate if the voter pamphlet is mailed out sufficiently in advance of the election.

As the proposed law presently reads, final distribution of the voter pamphlet would not have to occur until ten days prior to the election. As you are already aware, absentee voting ends seven days before the election, therefore, the date for mailing out the voter pamphlet should be established so that the pamphlet is sent out no later than thirty days prior to the election.

I further believe that Sections 10 through 16 of the bill, and anyother information relating to those sections, should be removed from this proposed legislation. The justification for that request is that the Secretary of State would have to prepare too many different voter pamphlets to accommodate the various districts throughout the state.

Section 18, subsection 3, on line 50, the word "may" should be changed to "shall". I believe it is the intent of the law, as proposed, that the state shall cover the entire cost of publication and mail distribution to the voters. The word "may", therefore, clouds the possibility of the county being reimbursed for the mailing cost.

Lastly, Page 8, the new subsection 3 of section 23, should be deleted. At no time should a voter pamphlet take the place of a sample ballot unless the voter pamphlet is infact a sample ballot itself.

Yours truly,

STANTON B. COLTON
Registrar of voters