

Minutes

208

Elections Committee
April 29, 1975

Tuesday, 7:00 a.m.
Room 336

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

Members Absent: None

Guests: Representing:

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| Stephen Coulter | Assemblyman (Reno) |
| Lou Paley | AFL-CIO |
| George Hawes | AFL-CIO |
| Paul Lamboley | State Democratic Party of Nevada |
| Theo R. Lawson | So. Nevada Central Labor Council |
| Zel Lowman | Assemblyman |
| David Howard | Washoe County |
| B. W. Firth | Libertarian Party of Nevada |
| Richard Williams | Democratic Party, Carson City |

Mr. Demers called the meeting to order at 7:10 a.m.

Mr. Demers announced the first order of business would be A.B. 622. Mr. Coulter was the first to testify on this bill. A.B. 622 provides for selection of certain political party representatives and their observance of ballot counting.

Mr. Coulter stated he was asked to introduce this by the Washoe Co. Democratic Central Committee following the last election. Mr. Coulter stated that the bill was broader than he had intended it to be. What it does is that the County Central Committee of each political party represented on the ballot may select two representatives to oversee all phases of ballot counting. He stated that he talked to David Howard who supports the bill, however, he felt the bill could be a little stronger. He stated Mr. Howard wished to change line 4, page 1, from the word may to shall. Mr. Howard also did not like page 2, line 47 and 48. Mr. Coulter stated that he talked to Mr. Stan Colton and he stated that he already does something similar to this voluntarily. Mr. Coulter stated that Mr. Colton felt that 6 people would be too unruly. He also did not like page 2, lines 27 through 30. Other than these objections, they thought the bill was fine. Mr. Colton presented a letter from Ken Haller supporting the bill. It will be attached to the minutes. Mr. Coulter stated he personally felt that page 1, lines 12 through 15 were superfluous.

Mr. Demers announced the next bill to be considered would be A.B. 639. Mr. Paley stated that he appreciated the committee waiting for the testimony from himself and Mr. Hawes on A.B. 639. A.B. 639 amends

Assembly

Elections Committee
April 29, 1975

-2-

election laws to facilitate voter registration and extend use of absent ballot. Mr. Paley stated that he was in support of A.B. 639. He stated he wished to tell some reasons why he supported this type of legislation. He stated he had been the Executive Secretary-Treasurer of the Nevada AFL-CIO for the past 21 years. At that time, we started the Labor League for Political Education during the merger of the AFL-CIO. Another branch was formed called COPE (Committee on Political Education). There are two organizations of COPE in Nevada; one in Reno and one in Las Vegas, which are each run by two full time workers. One of their biggest jobs is registration and getting out to vote. The cost is unbearable to get people registered to vote. It becomes quite a job and therefore, that is why we support this type of legislation. Americans have registered by post card since 1955, when the 84th Congress enacted the Federal Voting Assistance Act. Also, there has been no charge of fraud against many thousands of Americans, mostly armed forces, and their families who have enrolled as voters by the familiar red and white post card. Second, there has been absentee voting in this country since 1944. Many absentee voters also absentee registers which means registration by mail. In fact, the Federal Voting Rights Amendment act of 1970 requires that the state provide absentee registration, as well as absentee voting at least in the election for President and Vice President. The Supreme Court in its review of the voting rights amendment law was unanimous in upholding the constitutionality of that part of the provision. There has been no evidence of fraud in these registrations by mail. Third, programs of registration by mail are now in operation in 7 states. A good look at these on-going systems show that mail registration can provide certain fraud precautions against protection that we have not had before. Since the voter notification registration must be mailed to him by unforwardable mail, fictitious address will be undeliverable and will be returned to the elections office.

Mr. Paley stated that fraud is also prevented by the computer in case erroneous addresses are used. Mr. Paley presented a 4 page fact sheet on voter registration; a letter from Lloyd Bentsen, Senator from Texas and a letter from Governor Anderson of Minnesota. These exhibits are all in support of A.B. 639 and will be attached to the minutes.

Mr. Hawes gave the next testimony in favor of A.B. 639. He asked why certain people wish to make it harder for people to register and vote. He stated whatever increases a citizens participation in the democratic process strengthens the process itself. Post card registration, on the basis of evidence from states which use it, increases participation. It is an open door to democracy which certain people wish to close. Why?

Their arguments that is leads to fraudulent registration and voting, and that it increases the cost and effort of conducting registration is patently untrue. With Federal Post Card registration in the offing,

Elections Committee
April 29, 1975

-3-

dual registration would be cheaper, less costly. Gentlemen, who are they trying to deceive? Indeed, experience in states where citizens can register by post card proves the opposite. There have been no cases of fraud and costs actually decrease.

Mr. Paley and I believe there is no valid argument against post card registration. This is not uncharted territory that we are asking you to explore. There is a record of experience in five states. It has been tried and it works. It works well enough to make a compelling case for its adoption in our state. By the way, Utah and Montana have just passed the post card registration law. In Minnesota, Governor Wendell Anderson reports that under post card registration, voter enrollment in the states largest city, increased 10% over previous election years. Governor Anderson states, "safeguards against fraud are as effective under this system as they ever were. No case of fraud has been reported.

New Jersey has post card registration. Governor Byrne reports that, "in the six week period prior to the close of registration for the 1974 general election, 135,935 persons registered to vote, and more than 75,000 by mail." No case of fraud has been reported in New Jersey under the post card registration system.

In Baltimore, Maryland, the average volume was about 500 registrants a month before mail registration. It rose 2,500 a month after the new law went into effect. The monthly volume in Montgomery County rose from 300 to 1,500. The experience in Montgomery County displayed, as well, the fact that mail registration can reduce rather than increase normal expenses. In 1972, the cost of additional election personnel to handle last minute registrations was \$34,000. In 1974, with post card registration operative, the additional cost dwindled to \$13,000 roughly a 60% savings. In Maryland, no case of suspected fraud has been reported as a consequence of registration by mail. In none of the states where mail registration is in effect has there been any report of fraud. This is not a coincidence. Protections against fraud are built into the system. These protections are even more effective than the traditional in-person system of registration. One is the requirement that notification of registration be sent by non-forwardable first class mail, providing immediate checks against use of a fictitious address. Second is the requirement for information on prior registration and authorization to cancel same. This helps to purge the "deadwood" from the election agencies books. Thirdly, computer based management of records makes it possible to scrutinize data more thoroughly than ever before possible, and to eliminate duplicates which are always a potential source of fraud.

In Texas, the former state director of elections testified before the U.S. House that neither the potential nor the incidence of fraud has been in any way increased by the post card enrollment system. Assertions that registration by mail is more costly usually concern themselves with problems of administration. Mrs. Marie Garber,

Assembly

Elections Committee
April 29, 1975

-4-

231

Administrator of the Maryland law, contends that administration has not been made more difficult. Rather it appears easier. In a letter to the Committee on House Administration of the U.S. House, Mrs. Garber says, "the system is well understood by the public and readily administered by elections officials." She said there has been no flood of duplicate registrations and the few that occurred were easily corrected, that applications are legible and complete, creating no, or minimal, additional effort by election officials to help the citizen register; finally, that they avoided any difficulty in placement in the correct precinct or legislative or other district simply through the use of a street directory.

Mr. Paley and I and the Nevada AFL-CIO support registration by mail. We believe the arguments presented previously were spurious and refuted by experience. We feel that the arguments in favor of post card registration are convincing, chiefly that it serves the citizens and the election process by making registration and voting easier.

Why not let churches, League of Women Voters, Fraternal Organizations, Veterans Organizations, AARP-NRTA Senior Citizens Organizations and even Union Organizations assist in the distribution of the registration cards by mail.

Registration by mail opens the door to more participation in the democratic process. With its enactment, all citizens will have easy and equal access to registration, no matter how close to a registration site they live or work or how far away, or whether they are a housewife, a laborer, a banker or a rancher. This, we feel, is the strongest argument for adopting of A.B. 639.

Mr. Lamboley spoke next in favor of A.B. 639. He felt that the government would expand this bill and he felt that it would be appropriate that we consider the same. He felt that the consensus of opinion is that we have this legislation.

Mr. Lawson stated that he also recommended this legislation.

Mr. Demers stated that the committee would hold A.B. 639 until the next meeting. Mr. Demers stated the next order of business would be, A. B. 677, which requires that apartment premises and mobile home parks be open to the public for political campaigning.

Mr. Lowman stated that this bill evolved out of the last campaign because people in apartment houses and mobile home parks would not let candidates on their premises. He stated that Mr. Dreyer had the same problem in his campaign. He felt that if candidates are not being allowed in, they are making themselves second class citizens.

Mr. Heaney stated that he had encountered the same problem but wondered if the constitutionality of the question had been considered.

Mr. Lowman stated that he had thought about it and stated that he would pose this question to the legislative council for a decision. The committee agreed that Mr. Lowman should check on a formal opinion. Someone asked if this bill would have any affect on the Secretary of State. Mr. Swackhamer stated from the audience that this has no affect on his office. Mr. Demers stated the bill would be held for a formal opinion.

A brief discussion was held between Mr. Heaney and Mr. Howard on the proposed amendment to AJR 4. In the amendment, the committee agreed on the figure of 15% to be used and Mr. Demers asked Mr. Heaney to incorporate this into the amendment.

Mr. Demers stated the next order of business would be A.B. 670 which reduces number of registered voters required to sign petition in qualifying organization as political party.

Mr. Coulter stated that he was requested to introduce this bill by the Libertarian Party of Nevada. He stated that they originally requested the 5% be reduced to 1% but he recommended that they settle for 2%. He was asked what the Libertarian philosophy was, and he stated it was extreme capitalism, and free enterprise; minimum government control.

Mr. Firth wished to state for the record that the Libertarian party does support Mr. Coulter's measure. However, he recommended that the committee bear in mind that this measure in isolation would not be an improvement. It is an improvement if and only if it requires a majority to win an election. As Article 15, Section 14 of the Constitution reads, at the moment, one can be elected by a mere plurality, so having more parties in the political process reduces the number of votes needed to win the election. This measure without an amendment to the constitution will not result in an improvement, if your definition of good government, is representatives are not subjected to other people. He stated he supposed most of the committee was democrats and that it was easier to win, if there was an Independent American candidate running against them. He stated that Laxalt had won his seat with less than the majority of the votes cast. Mrs. Wagner inquired how many Libertarian there were. Mr. Firth stated that if you spelled it with a capital L, there are less than 100. He stated that every educated man is a libertarian. He said Mr. Colter described them as being to the right and he said that is wrong, for they are radical. Mr. Demers inquired whether James Libertarian Byrnes is any relation to the party. Mr. Firth replied that he is the State Chairman.

Mr. Demers stated that the next order of business would be A.B. 673, which creates additional single-member senatorial districts.

Mr. Williams stated that the democratic party stands behind single senate districts. He felt that it would be a better representative bill and he hoped to get it on. Mr. Fahrenkopf stated from the

Elections Committee
April 29, 1975

-6-

audience that he was in favor of single seat districts.

Mr. Demers stated that the next order of business would be S.B. 475, which requires county registrar of voters to deposit receipts from cities for municipal election services in general fund of county.

The new section of this bill which Mr. Howard pointed out reads as follows: All moneys received by the county registrar pursuant to this section shall be deposited by him to the credit of the general fund of the county.

A.B. 633 was touched on briefly. Mr. Williams felt that the bill would be unenforceable. However, Mr. Demers stated that A.B. 683 is enforceable which deals with the same subject.

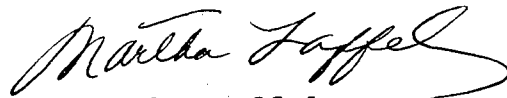
S.B. 475 - Mrs. Wagner moved that the committee adopt a "do pass". Mr. Chaney seconded the motion. All members voted, "aye."

A.B. 673 - Mr. Vergiels moved that the committee adopt a "do pass." Mrs. Wagner seconded the motion. All members voted, "aye."

A.B. 611 - Mr. Vergiels moved that the committee pass the bill as amended. Mr. Sena seconded the motion. The four following members voted "aye": Mr. Demers, Mr. Vergiels, Mr. Chaney and Mr. Sena.

The meeting adjourned at 8:45 a.m. Mr. Demers announced the next meeting would take place on May 6, at 7:30 a.m.

Respectfully submitted,



Martha Laffel
Assembly Attache

Attachments a/s

ASSEMBLY
AGENDA
~~HEARING~~

227

COMMITTEE ON..... ELECTIONS.....

Date April 29, 1975 Time 7:00 A.M. Room 336.....

Bill or Resolution
to be considered

Subject

Coulter

A.B. 622

Provides for selection of certain political party representatives and their observance of ballot counting.

A.B. 633

Prohibits certain false or misleading statements by political candidates.

A.B. 639

Amends election laws to facilitate voter registration and extend use of absent ballot.

Coulter

A.B. 670

Reduces number of registered voters required to sign petition in qualifying organization as political party.

Murphy

A.B. 673

Creates additional single-member senatorial districts.

Lawman

A.B. 677

Requires that apartment premises and mobile home parks be open to the public for political campaigning.