

ASSEMBLY ELECTIONS COMMITTEE MINUTES
JANUARY 31, 1977
5:00 p.m.

MEMBERS PRESENT: Chairman Mann Mr. Horn
 Mr. Sena Mr. Kosinski
 Mr. Chaney Mrs. Wagner
 Mr. Goodman

MEMBERS ABSENT: None

GUESTS: Assemblyman Karen Hayes
 Robert Warren, Nevada League of Cities
 Richard Williams
 Joe Latimore

The meeting of the Assembly Elections Committee was called to order by Chairman Mann at 5:00 p.m. on Monday, January 31, 1977. Chairman Mann stated that the purpose of the meeting was to hear testimony on AJR 4 of the 58th Session

AJR 4 of the 58th Session

Assemblyman Karen Hayes, sponsor of the bill, stated that the problem with the constitutional in a recall election was that the law says that you have to have 25% of the people that voted in the last general election. There have been problems of interpretation both in and out of court as to what exactly a general election constitutes. Whether it is a statewide election or a municipal election. This bill clarifies that a general election must be a statewide election.

Mrs. Hayes went on to cite the situation in North Las Vegas where a recall attempt was made. People were brought in off the street, registered to vote and asked to sign the recall petition at the same time. However, this bill would not correct this problem. Mrs. Hayes asked that this resolution be allowed to go through and then correct the North Las Vegas situation with additional legislation. Otherwise it will take 5 years to get the original problem corrected.

Mrs. Hayes further stated that in another Las Vegas recall attempt, the people running it took general election to mean the last municipal election and so were required to have a very small number of people sign the petition. When it got to court the judge through it out stating that it had to be a general statewide election.

Mrs. Hayes stated that the law states that a recall petition must of 25% of the number of people who voted in the last general election, however it does not say that these people who sign the petition must have actually voted in that election.

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She stated that ~~she felt that this~~ is bad in that you could have people who have just moved into the community recalling people who have been serving the area for years. A recall should be representative of the largest number of the people being governed.

Mr. Horn stated that he personally hated to see the courts function as a law making body and litigation being the only avenue that the people can take because we are not explicit. He stated that he firmly thinks that anything that the legislature can do to show legislative intent in that the intent is definitely a statewide election should be done.

Mr. Kosinski questioned the fairness of making a recall of a city or county official that was elected in a municipal election referenced to a general election.

Mrs. Hayes stated that this bill was strictly clarification of what a general election was and that the theory behind it is that these people who may be recalled represent the whole body and so they should be recalled by the largest percentage of the people they represent.

Mrs. Wagner asked if Mrs. Hayes would object this reworded so that if it was a county, district, or municipality, that those officials would be recalled based on last general election that they were elected in. Mrs. Hayes stated that the only problem with that is that it would take another two years to get the amendment through in that any changes would in effect kill the bill. SHE felt that this should be passed as is and then take care of the additional problems with additional legislation.

Mr. Kosinski stated that in essence if the committee did nothing and a recall election occurred in the interim period, the most strigent interpretation would be the one that is now on the books in the 8th Judicial District Court.

Robert Warren, Nevada League of Cities, spoke in opposition to the bill. He stated that the problem that has been referred to has come about since the 1975 Session. They had thought the bill was going to be amended to correct this problem. He stated that they feel that if a person is to be recalled they should be recalled by the people who have lived there and have had a chance to observe his performance in the position.

To amend this law would slow it down and defeat the purpose of the bill. Perhaps some legislation could be drafted which would address itself to the problem of recall being validated by 25% of those who actually put the person into office rather than just 25% of the number that voted.

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Mr. Kosinski pointed out that he felt it was not procedurally correct to introduce legislation to amend language that has not yet been adopted.

Mrs. Wagner inquired about the difficulty of obtaining the names of those people who have actually voted in the last election and wondered if it would not be possible to require those people who sign the petition to have been registered at the time of the last election.

Mr. Kosinski stated that he could see nothing wrong with having newly registered people be a part of a recall petition since you still have to go to a vote of the people. He felt that the only thing this accomplished here was to make it more difficult to get a recall petition initiated.

Chairman Mann excused the witnesses and opened the meeting up for discussion on the merits of the bill.

A general discussion was held and the committee decided to withhold any action on the bill until later in the session when additional legislation on this subject may be introduced.

It was moved and seconded that the meeting be adjourned.

Respectfully submitted.

Sandee Gagnier,
Assembly Attache

A copy of the minutes from the the 1975 Session Elections Committee regarding testimony taken on AJR 4 is herewith attached to these minutes as Exhibit A in order to given further background on this legislation.

Election Committee Minutes
February 11, 1975

Tuesday, 2:30
 Room 316

Members Present:	Demers	Vergiels
	Sena	Wagner
	Chaney	Young
	Heaney	

Members Absent None

Guests	Representing
Karen Hayes	State Assemblyman
Keith Hayes	Judge, Las Vegas
W. E. "Bill" Adams	City of Las Vegas
Bob Warren	Nevada League of Cities
Richard Williams	Chairman, Dem. Party, Carson City
Frank Fahrenkopf	Republican Committee
Joe H. Latimore	City of Reno, Nevada
Frank A. Shank	Silver Springs Town Board
William Swackhammer	Secretary of State
Tom Lorenzen	Private Citizen

The meeting was called to order at 2:40 p.m. The first business to be considered was A.J.R. 4.

Chairman Demers gave the following background information for A.J.R. 4;

The following are reasons why a new definition is needed in the present recall laws: Less than two years ago in Las Vegas, Dayton-Hudson, an American Corporation sought to have approximately 60 acres in NW Las Vegas rezoned for commercial use. The firm planned a shopping center as the area had no facilities. The City Planning Commission recommended the site be rezoned and the application was denied by the Las Vegas City Commission.

A group of citizens calling themselves HURT (Help Us Regain Trust) started a recall movement against the mayor and two city commissioners. 7,000 signatures were collected as required by the statute. Judge Keith Hayes later reversed his decision on the number of signatures required and as the law is written now, 10,000 signatures would be required which voided the HURT recall procedures.

Dayton-Hudson initiated legal action in the 8th Judicial Court claiming the action by the City Commission to be an unlawful and capricious act. Judge Pavlikowski ruled in favor of Dayton-Hudson and ordered the land rezoned. The Las Vegas Commission appealed to the Nevada Supreme Court which two weeks ago upheld Judge Pavlikowski's ruling.

Bill Adams concurred with the resolution except for the time limit which should be approximately 10 days and the recall percentage should be set at 10 to 15%.

Mr. Demers stated that recall is not used as a harassment technique and he cited some of our earlier history in the Declaration of

Independence and the Virginia Bill of Rights.

Mr. Heaney asked Mr. Adams if he wanted something further changed other than the 25%. Mr. Adams felt it would be in the best interest to reduce the 25% recall. Mr. Adams said that California used a 60 day time limit. Mr. Demers asked how long did the HURT people use and Mr. Adams replied, "48 days."

Mr. Vergiels stated that the 25% figure would not work in his district because of the high transient rate which is the district around the "Strip". Mr. Adams felt that 10% would be a more feasible recall rate. In California, he stated it was 15% of the registered voters and they have 60 days in which to petition.

Mr. Demers stated that future hearings would be held on this bill.

Judge Keith Hayes stated that the voter turnout is small which makes the recall more difficult for them. Judge Hayes felt that an elector should have something to say about a recall. He also felt that 15% is a small number for a recall. He also stated that the recall in Las Vegas should not be considered frivolous.

Mr. Heaney cited lines 12 and 13 of A.J.R. 4 and it was agreed that almost anything is grounds for a recall. Mr. Demers felt that it is not up to us to protect the office holder. Judge Hayes felt the best index is the people who voted in the November election.

Bob Warren stated that he wished to support the bill. He also stated this was not a Las Vegas bill.

Richard Williams stated there had been frivolous recalls such as here in Carson City. He cited the attempt to remove the Fire Chief from office. He felt that a 90 day time limit should be used for recall.

Frank Fahrenkopf felt that A.J.R. 4 does not accomplish Judge Hayes thoughts. Lines 7-10 were cited and he felt some different language would have to read into it. He felt it should be tied to registered voters. Mr. Vergiels said that if you are to tie it to registered voters, the voters must be residing there. Mr. Adams felt it would be better to stay with a certain percentage.

Mr. Latimore stated there had been only two recalls in 14 years in Reno. The number of signatures needed needs to be clarified. Printing their name and address is important as 20 to 30% of the signatures could not be read.

Mr. Demers stated that A.B. 87 is what will be used for the printing of a persons name. There have been many abuses with recall petitions for one unemployed person received 50¢ for each signature he procured. It was also felt that line 9 of A.J.R. 4 should include the word ward.

It was agreed that there would be no final action on A.J.R. 4. Mr. Fahrenkopf and Mr. Swackhammer agreed they would come up with some drafted proposals in two weeks time from the meeting.

Minutes

Election Committee Minutes
April 22, 1975

Tuesday, 7:00 a.m.
Room 336

Members Present:

- Mr. Demers
- Mr. Sena
- Mr. Heaney
- Mr. Vergiels
- Mrs. Wagner
- Mr. Young

Members Absent:

- Mr. Chaney (Excused Absence)

Guests:

- Stan Colton
- Joseph Dini, Jr.
- Father Larry Dunphy
- Robert Gwenn
- Robert Weise
- George Hawes
- Jean Ford
- Vaughn Smith

Representing:

- Election Department, Clark County
- Assemblyman
- Common Cause
- Self
- Assemblyman
- AFL-CIO
- Assemblyman
- Carson City Clerk

Mr. Demers called the meeting to order at 7:05 a.m. He announced the first order of business would be A.B. 542. Various deletions and additions were made. The motion was made by Mrs. Wagner to pass as amended. Mr. Heaney seconded the motion. All members voted, "Aye", with none opposing.

Mr. Demers announced the next order of business would be A.B. 521. Mr. Young moved that this bill should be indefinitely postponed. Mr. Sena seconded the motion. All members voted "Aye", with none opposing.

Mr. Demers stated the next order of business would be AJR 4. After a brief discussion, Mr. Demers moved that AJR 4 should pass as amended. Mr. Sena seconded the motion. All members voted "Aye" with none opposed.

The next order of business was AJR 14. Mr. Young made the motion to indefinitely postpone AJR 14. It was seconded by Mr. Sena. All members voted "Aye", with none opposed.

Mr. Demers announced the next order of business would be A.B. 581.

Mr. Colton spoke for the bill and said there was a need for this bill because of the computer voting. He also submitted a copy of his recommendations which will be included in the minutes. Mr. Swackhamer stated from the audience that new language is needed in Section 14. Also, he stated Section 19 has the same problem as on 14. Mr. Demers asked that everyone study A.B. 581 more closely and he stated it will be discussed at a noon meeting on Thursday, April 24, at 12:30 p.m.

BILL DRAFTING AND AMENDMENT REQUEST

[Please use separate sheet for each request]

To the Legislative Counsel:

A.J.R. 4

From ASSEMBLY ELECTIONS COMMITTEE

Date 4-22-75

Please prepare a bill/amendment as follows:

Amend A.J.R. 4 by deleting the language contained in lines 6-10 and substituting in place thereof the following:

" or in the county, district, township, municipality or ward from which the officer was elected. For this purpose, a number of registered voters not less than twenty-five per cent (25%) of the number of persons who voted at the ~~election~~ in the ~~county~~ last preceding statewide general election in the State or in the county, district, township, municipality or ward from which the officer was elected, shall file their petition, in the manner . . . "

I HEREBY CONSENT TO RELEASE OF THIS INFORMATION TO ANY LEGISLATOR BY THE LEGISLATIVE COUNSEL.

REQUESTER

GUEST LIST

ELECTIONS COMMITTEE

AJR-4 -58th Session

ME (PLEASE PRINT)	REPRESENTING	WISH TO SPEAK	
		YES	NO
ROBERT WARREN	NEU. LEAGUE of CITIES	✓	
Joe H Latimore	my self		✓
Dick Williams.			