

ASSEMBLY ELECTIONS COMMITTEE MINUTES  
FEBRUARY 28, 1977  
5:00 p.m.

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

MEMBERS ABSENT: None

GUESTS: Steven Stulker, City of North Las Vegas  
E. L. Newton, Nevada Taxpayers Association  
Pat Gothberg, Common Cause  
Vaughn Smith, Carson City  
David Howard, Secretary of State's Office

Chairman Mann called the meeting to order for the purpose of hearing AB 157 and taking action on AB 259.

AB 259, Increases number of required reports of candidates campaign expenses.

Mrs. Wagner presented the amendments that were drawn up by a subcommittee consisting of Mrs. Wagner, Mr. Kosinski and Mr. Horn with the assistance of the Secretary of State's office. Mrs. Wagner stated that these amendments were quite technical.

The first that concerned Mr. Swackhammer was the term district. Bill drafter felt that Assembly and Senate were included under definition of State so they have only inserted the judicial to further specify what they mena.

Another problem that has arisen was the times of the filings and so the times were moved up. Also changed was the place of filing which was changed to the office to which the declaration of candidacy was filed. This would mean that one could report more easily to registrar of voters versus the Secretary of State. So they moved the dates up to 7 days before a primary election and 10 days before a general election. Dates after the election remain the same.

The next problem was when the campaign expenditures must be kept and this was resolved by placing the date January 1 of the year in which the election is held as the beginning date for keeping records for expenditures.

Final problem was the postmark and whether the report was be in the hands of the Secretary of State or just postmarked by the required date. The amendment states that the report

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must be postmarked on or before the date which it is due. Finally the amendment would make reporting to the Secretary of State in the case of office which serves more than one county and the Secretary of State would report violations to the Attorney General. In the case of an office which serves only one county the report would be filed with county clerk who would report violations to the appropriate district attorney.

Section 3 of the bill was also deleted as it has been declared unconstitutional.

Mr. Kosinski moved for adoption of amendment no. 204A to AB 259 and Mrs. Wagner seconded the motion. A copy of this amendment is attached to these minutes as Exhibit A and herewith made a part of this record.

Mr. Goodman stated that he did favor the amendment but was not in full agreement with the time frame as he felt that the last week before the election became pretty hectic and this was just one additional thing to add to it.

There were 4 votes against adoption and 3 in favor with Mr. Mann, Mr. Sena, Mr. Chaney and Mr. Horn voting against adoption of this amendment.

Mr. Horn stated that he still did not believe that the bill met the desired objectives and because of that Mr. Horn moved to "indefinitely postpone" AB 259 and Mr. Sena seconded the motion.

Mr. Kosinski stated that he believes the bill does meet its objective or goal which is a disclosure which would permit the public to know how much and where a candidate spent his money. However, Mr. Kosinski stated that it only goes half way but it is better then nothing.

Mr. Horn stated that he still did not feel that you could legislate honesty .

Mrs. Wagner stated that still did not quite understand the objections that have been raised since you could carry this farther and state that since you do not have honorable candidates why report after an election.

Mr. Sena stated that in 1975 the legislature did pass out legislation requiring filing of reports of expenditures and income after an election. A lot of people thought it was a very good idea and a lot of people did not feel it was necessary. He stated that the campaign should pretty well tell the people about you and that he does not feel that this going to make that much difference if he reports before a campaign or how many times. As an incumbent you are going

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to make more money and spend more money on your campaign. Think that the people are pretty well aware of what is going on and that this legislation will not make that much difference.

Mr. Mann stated that his objection to campaign reporting is that it causes a hardship to the person that is going against the incumbent. If you are listing people who have contributed to your campaign, people are going to be reluctant against going against a powerful incumbent. He stated that felt a lot of this type of legislation although it means well just perpetuates an incumbent.

Mrs. Wagner stated that if this bill does not address this problem then she would like to see the committee come up with a bill that will address it. Mr. Sena stated that he did not feel there was a problem.

The motion to "indefinitely postpone" passed with a vote of four to three with Mr. Mann, Mr. Sena, Mr. Chaney and Mr. Horn voting for indefinite postponement. Legislative Action form is attached to these minutes reflecting this vote.

AB 157, Revises election laws

David Howard, Secretary of State's office, stated that AB 157 is the product of the Legislative Commission on cleaning up of some of the election codes. AB 157 and 158 originated from this study.

Mr. Howard stated there were a lot of style changes in the bill which he really did not understand the reasoning for. There are definite inconsistency and problems with the election code that have been dealt with.

Page 2, line 21, it was found necessary to include the phrase " and paper ballots are used" to direct this particular section to those counties that use them. Also line 32 of that page.

Page 3, it has been the opinion of the Secretary of State's office that the cost of publication of the constitutional amendments which are statewide issues should be borne by the State and not the local entities. (line 12 and 13)

Mr. Howard stated that the majority of the bill refers to making a distinction between paper ballots and punch card ballots which are the two systems that they have in this state.

Mr. Sena stated that on page 1, line 6 they delete the printed paper ballot. Mr. Howard stated that it referred specifically to a printed paper ballot while they have two types of ballots and the subsections refer to them.

Mr. Howard stated that perhaps the most important item in the bill was found on page 8 lines 36-38 which deals with recounts. In 1974 there was a statewide recount and one of the problems with recounts is this particular section. It has been determined both by clerks around the state and district attorneys any kind of challenge should be heard in a courtroom and not at the recount level where you have lay people counting the ballots. This particular change would take care of this; it would exclude the challenge section for the recount.

On page 10, lines 3 -10, Mr. Howard stated that it has been the practice of some punch card counties to provide a protective envelope to insure the secrecy of the ballot. This has been in the Secretary's rules and regulations since the time the punch cards were brought into the state. It was felt for the direction of some clerks in the State that this should be spelled out in the statutes. The bill as a whole is definitely a housekeeping bill.

Mr. Mann inquired what the fiscal impact on the bill was. Mr. Howard stated that he was not certain of the impact.

Mrs. Wagner stated that on the bottom of page 4 the reasons for aid or assistance were extended. Mr. Howard stated that the reason for this was that the election boards were a little uncertain just how far they should go to help a disabled person at the polls. In the past they have told them to go far as necessary and to use their best judgement. This would spell it more clearly for them. Mrs. Wagner stated that this included physical difficulties and now they were including illiteracy. Mr. Howard stated that they do find that they have some illiteracy and they still want to vote and it has been determined that that is a disability.

E. L. Newton, Nevada Taxpayers Association, spoke on behalf of the bill, stating that he had basically no objections to the bill. He stated that as far as the fiscal impact there was a transfer of fiscal responsibility for the publication of constitutional amendments from the county to the state. This would save the counties about \$2,000 which would be paid by the state.

Mr. Howard interjected that it would probably be a little higher than the \$2,000 figure and another impact would be the purchase of additional supplies for the elections. This will be a regular expense from the Secretary of State's budget.

Mr. Mann stated that this bill will be held up until such time as the committee receives a fiscal note on it.

Mr. Newton stated that he had one suggestion that he would like to see included and that was that NRS 293.467 be included **94**

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in the repealer section of the bill. This section requires Secretary of State to provide counties that use paper ballots a paper that has a special water mark. This special water mark requires a special design and roll, called a dandy roll. This paper costs \$10,000/roll. With only 12 counties using paper ballots this is getting very expensive spread over a very small amount of voters. The water mark can not be seen unless you hold the ballot up to the light and if you do this you are examining the ballot that has been voted and that is against the law. It could still be required that a particular type and grade of paper be used. The ballots do have a stub number on them. Mr. Newton stated that is really an unnecessary expenditure to have to use this water mark paper.

This being repealed would also make necessary an additional amendment because somewhere in the bill there is mention of the water mark. This is on page 4, line 29.

Mr. Newton stated that he felt that lines 48 and 49 on page 4 and lines 1 and 2 on page 5 were somewhat ambiguous and difficult to understand.

Mr. Newton stated that in closing he would also like to see the term "none of the above" be deleted from the election code. He added that he would like to go on record as feeling that if a voter marks a ballot and fails to vote on some issue he is voting for none of the above. Feels it is useless.

Mr. Newton stated that he would also like to see the abolishment of the presidential primary in the State of Nevada as it is an exercise in futility.

Mrs. Wagner inquired of Mr. Howard of why Section 293.163 was included in the repealer part of the bill. This has to do with dates of the conventions. Mr. Howard stated that this was to allow more leeway to the central committees and state.

Mr. Mann stated that he was going to appoint Mr. Sena a special subcommittee of one to take AB 159 and work with Mr. Howard to develop a fiscal note and work out the amendments.

Mr. Howard stated that he would like to make a few comments about the repealing of the water mark requirement. He stated that he could not agree more that this cost was excessive. He gave the example in the primary of 1976 they had to order this special paper for a minor party that qualified for the ballot. There is a minimum amount of paper that must be ordered which is 1,000 sheets for the party that had only 200 people registered statewide.

Mr. Howard went on to state that there was a purpose for having the water marked paper that being that this was an

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identifying mark that would prohibit any insertion of additional ballots. He stated that he personally felt that Nevada was beyond that point in time. The counties that have punch cards get around this particular statute by having the punch cards printed with an special identification mark from the Secretary of State. This all goes back to the days of sensitivity to voter fraud.

Vaughn Smith, Carson City Voter Registrar, stated that he felt there was a definite reason for the water mark and that he does feel that there is a possibility of fraud. However, he stated that he was not sure that the cost warranted it. He added that he did not believe that they would have to have a special water mark for each party and they could use the same paper for all the parties.

He finished by saying that he is very sensitive to voter fraud and does not want any hint of it and so he would have to say that he does feel that the water mark is necessary.

Mr. Kosinski asked if Mr. Howard's office could work up the dollar cost that is being discussed here. Mr. Howard stated that he could give the committee the cost of the 1976 elections. He added that there is cost to the counties using punch cards observing this section of the law.

Mrs. Wagner inquired if this was common in other states to require some identifying mark on the ballot. Mr. Newton stated that Nevada is the only state that requires a water mark. Mr. Howard stated that most states do have some type of identifying mark on them.

Chairman Mann adjourned the meeting.

Respectfully submitted,

*Sandra Gagnier*

Sandra Gagnier  
Assembly Attache

59TH NEVADA LEGISLATURE

ELECTIONS COMMITTEE  
LEGISLATIVE ACTION

DATE February 28, 1977

SUBJECT AB 259, Increases number of required reports of candidates' campaign expenses

MOTION: \_\_\_\_\_

Do Pass \_\_\_ Amend \_\_\_ Indefinitely Postpone XX Reconsider \_\_\_

Moved by Mr. Horn Seconded By Mr. Sena

AMENDMENT To accept the proposed amendments as presented by Mrs. Wagner

Moved By Mr. Kosinski Seconded By Mrs. Wagner

AMENDMENT \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
MANN	X	—	—	X	—	—
SENA	X	—	—	X	—	—
CHANEY	X	—	—	X	—	—
GOODMAN	—	X	X	—	—	—
HORN	X	—	—	—	—	—
KOSINSKI	—	X	X	X	—	—
WAGNER	—	X	X	X	—	—
	4	3	3	4		

TALLY:

Original Motion: Passed XX Defeated \_\_\_ Withdrawn \_\_\_

Amended & Passed \_\_\_\_\_ Amended ~~XXX~~ <sup>ment defeated</sup> ~~XXX~~ XXX

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Attach to Minutes February 28, 1977  
Date

ASSEMBLY ACTION

SENATE ACTION

ASSEMBLY / SENATE AMENDMENT BLANK

Adopted   
 Lost   
 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. 259 (BDR 24-419)  
 Proposed by Committee on Elections

1977 Amendment N<sup>o</sup> 204 A



Amend section 2, page 1, after "Sec. 2." insert:

"NRS 294A.010 is hereby amended to read as follows:

294A.010 1. Every candidate for state, judicial district, county, city or township office at a primary or general election shall, [within 15 days after the primary election and 30 days after the general election, report the total amount of all of his campaign contributions to the secretary of state on affidavit forms to be designed and provided by the

Form 1a (Amendment Blank) 3044A

Drafted by LP:ml Date 2-27-77

To Journal (3) CFB

Exhibit A



secretary of state.

2.] not later than:

(a) Seven days before a primary election, for the period up to 10 days before the primary election;

(b) Fifteen days after a primary election, for the remaining period up to the primary election;

(c) Seven days before a general election for the period after the primary election up to 10 days before the general election; and

(d) Thirty days after the general election, for the remaining period up to the general election,

report the total amount of all his campaign contributions to the officer with whom he filed his declaration of candidacy, certificate of candidacy or acceptance of candidacy.

2. If a candidate submits a report by mail, the postmark on the envelope shall be dated on or before the day the report is required.

3. Each contribution, whether from [an individual,] a natural person, association or corporation, in excess of \$500, shall be separately identified with the name and address of the contributor and the date of the contribution, tabulated and reported to the secretary of state on the affidavit report form provided therefor.

[3.] 4. As used in this section, "contribution" means a gift, subscription, pledge, loan, conveyance, deposit, payment, transfer or distribution of money, and includes the payment by any person other than a candidate,

of compensation for the personal services of another person which are rendered to a candidate without charge to the candidate.

[4.] 5. Any candidate who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 3."

Amend section 2, page 1, line 11, after "state," insert "judicial".

Amend section 2, page 1, delete line 15 and insert:

"(a) Seven days before a primary election, for the period up to 10".

Amend section 2, page 1, line 19, delete "Fifteen" and insert "Seven".

Amend section 2, page 1, line 20, delete "and up to 20" and insert "up to 10".

Amend section 2, page 2, line 1, before "secretary" insert and open bracket.

Amend section 2, page 2, line 2, delete "state." and insert:

"state.] officer with whom he filed his declaration of candidacy; certificate of candidacy or acceptance of candidacy."

Amend section 2, page 2, line 3, after "2." insert:

"A candidate shall report all campaign expenses which he incurs:

(a) Between January 1 of the year in which the election is held and the primary election; and

(b) Between the primary election and the general election.

3. If a candidate submits a report by mail, the postmark on the envelope shall be dated on or before the day the report is required.

4."

Amend section 3, page 2, delete lines 5 through 26 and insert:

"Sec. 4. NRS 294A.070 is hereby amended to read as follows:

294A.070 The [secretary of state] officer with whom a report is required to be filed shall, within 10 days after the reporting dates established in NRS 294A.010 and 294A.020, prepare and make available for public inspection a compilation of the total campaign contributions, the contributions which are in excess of \$500 and the total campaign expenses of each of the candidates from whom reports of such contributions and expenses are required."

Amend the bill as a whole by adding new sections, designated sections 5 and 6, following section 3, to read as follows:

"Sec. 5. NRS 294A.080 is hereby amended to read as follows:

294A.080 If it appears [to the secretary of state] that the provisions of [NRS 213.032 or] NRS 294A.010 [to 294A.030, inclusive,] or 294A.020 have been violated [, he shall report the alleged violation:

1. To] :

1. The secretary of state shall report the alleged violation to the attorney general ; and [in the case of a candidate for an office which serves territory in more than one county; and

2. To] 2. A county clerk shall report the alleged violation to the appropriate district attorney , [in the case of a candidate for an office which serves territory in only one county,]

and the attorney general or district attorney to whom such report is made shall cause appropriate proceedings to be instituted and prosecuted in a

court of [proper] competent jurisdiction without delay.

Sec. 6. NRS 218.032, 218.036 and 294A.030 are hereby repealed."

Amend the title of the bill on the first line after "campaign" insert  
"contributions and".

