

ASSEMBLY ELECTIONS COMMITTEE MINUTES
MARCH 14, 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: Robert Broadbent, Clark County Commission
Pat Gothberg, Common Cause
Tom Moore, Clark County

A quorum being present, Chairman Mann called the meeting to order. The purpose of the meeting was to hear testimony on AJR 8, SJR 14 and SB 37.

SB 37, Enlarges Board of County Commissioners in certain counties.

Mr. Mann stated that SB 37 does nothing more than put back to constitutional form the districting procedures since the courts have overturned what has been going on. It has been the legislative intent that they plan to go to districts both in the primary and the general elections.

Commissioner Broadbent of Clark County stated that this was what this bill does.

Mr. Chaney inquired whether they will have the same districts they had before or whether it would be done differently. Mr. Broadbent stated that he imagined it would have to be done differently. He stated that they have been told that they would have to go by the new population estimates and not the 1970 census and this will make some differences in the districts. He added that there is enough federal mandate to indicate that there is going to have to be certain geographical districts. He cited the example of the area that Mr. Chaney represents, which will not be able to be divided up. They are going to have to take this whole area and then add something to it to make up a district.

Mr. Chaney stated that he was concerned about this because of the way the City Commissioner districts were handled. They made it virtually impossible for them to maintain a black representative.

Mr. Broadbent stated that it would have to be divided on the basis of 1/7 of the population. Mr. Chaney's area is going to have to be a part of that 1/7 of the population. 1/7 of the

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population of Clark County is going to be approximately 45,000 people. Supreme County decisions indicate that they cannot divide this district.

Mr. Mann stated that constitutional provisions state that only the county commissioners can draw those districts.

Mr. Chaney inquired who will in fact draw up these districts. Mr. Broadbent stated that the board will do it; they do have some of these districts drawn up. There will have to be hearings before these are adopted.

Mrs. Wagner stated that they established districts for Washoe County last session. Mr. Broadbent stated that the legislature only told them to establish districts and they actually did it. Mr. Broadbent stated that it is his understanding that there is no change to Washoe County and that he had talked to Russ McDonald and it was also his understanding.

Mrs. Wagner then stated that these would be based upon new population figures but the bill itself says the last preceding national census. Mr. Broadbent stated that Washoe was based on 1970 census but their's could be based on the latest estimates.

Mr. Mann inquired whether Mr. Broadbent was really sure of that. Mr. Broadbent stated that they interrupted subsection 2 of Section 2 to mean that. Mr. Mann stated that they had been told that you could only use 1970 census. Mr. Broadbent stated that this also was the interruption of Frank Daykin. Mr. Mann stated that they have had the research done on other subcommittees of this committee where they have indicated that you can not do this.

Mr. Horn inquired how many will be four year terms and how many two year. Mr. Broadbent stated that there are presently four elected for 4 year terms and three elected for 2 year terms. This bill would provide that at the election there would be 3 people elected for 4 year terms and the 4 incumbents will serve 2 years and then run four 4 year terms.

Mr. Kosinski stated that Mr. Broadbent indicated that they could not break up the black population areas and he wondered what he based this on. Mr. Broadbent stated that there were decisions in Mobil, Baton Rouge and others that indicated that it can not be done. These were not the Supreme Court but federal courts. Mr. Kosinski stated that the law he remembered coming out of the Supreme Court was that it would permit this to be done as long as they weren't specifically doing it to break up the voting strength.

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Mr. Chaney stated that when they districted for city commissioners they took most of the black population but also took a lot of the other areas around it and thus cut the strength of the black community and they could not elect a black from that area.

Mr. Kosinski stated that last session it was pretty clearly stated that they must use Assembly districts. It asked if there was any reason not to use the Clark County Assembly districts. Mr. Broadbent stated that there was such a disparity in population that they feel it would be very difficult.

Mr. Mann stated that the case of Gormillen vs. Lightfoot in Cook County Illinois supports Commissioner Broadbent's position as emphasized by Mr. Chaney.

Mrs. Wagner stated that upon studying this she has discovered that it is new language referring to Washoe County and that it is possible that they are getting ready for another Commission seat.

Mr. Chaney asked if it would be possible for the committee to see the proposed maps of the districts. Mr. Broadbent stated that he would try to get those they have up here.

Mr. Mann pointed out that if this bill does not pass things will be worse off then if they stay in the present condition of at large. It will still be the prerogative of the County Commission to draw these boundaries. Mr. Broadbent stated that as a practical matter there will be one Commissioner out of job and that is very difficult to guarantee what will happen when these 7 people must draw up these boundaries.

Mrs. Wagner stated perhaps it would solve some of the questions if some type of structure was set up based on Assembly districts. Mr. Broadbent stated that this would present some real problems because they have some districts that have four times as many registered voters as other districts. Mrs. Wagner pointed out that this would not be true after 1980.

Mr. Chaney inquired whether there was any way that the Commissioners could propose the districts and then the bill would say the this was done by the Commission but it is the one that will be used. Mr. Broadbent stated that they then would be actually dictating to the Commission and that is unconstitutional.

Mr. Kosinski stated that they seem to working on the premise that the legislature can not define districts. Mr. Broadbent stated that this is true as it was ruled out in 601 by the Nevada Supreme Court. It was ruled unconstitutional and dealt with consolidation for Clark County.

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It was decided that Mr. Broadbent would arrange a meeting with Mr. Daykin and Russ McDonald along with those committee members that had questions so that these questions could be answered.

SJR 14, Proposes constitutional amendment to eliminate certain restrictions on the right to seek elective office.

Mrs. Wagner moved for a "do pass" recommendation and Mr. Goodman seconded the motion. The motion carried unanimously.

AJR 8, Proposes to amend Nevada Constitution by deleting public administrators from list of elective officers.

Mr. Mann stated that he had contacted various counties regarding this bill and that Clark County was in favor, Washoe was in favor and many of the small counties indicated they favored it. He stated that some of the smaller counties indicated that they were discovering similar problems to that which has occurred in Clark County.

Mr. Kosinski stated that he had researched this and concluded that this is the only way this may be handled. He stated that you can abolish the office but that you will still need someone in the county doing this job.

Mr. Kosinski moved for a "do pass" recommendation and Mr. Horn seconded the motion. The motion passed with Mr. Goodman voting no.

AB 158, Removes voting machine provisions from NRS.

Mr. Sena presented the proposed amendments which he had worked up with Mr. Howard of the Secretary of State's office. These include: on page 3, line changing 5 members to 3 members and on page 7, lines 1 & 2, delete the brackets and add the word "paper" between in which and ballot. This would now read "in which paper ballots are used".

Mr. Horn moved the committee "amend and do pass" and Mr. Sena seconded the motion. The motion carried unanimously.

Mr. Sena stated that he was still working on AB 157 and that he had discovered that this would have a fiscal note of \$27,500. Mr. Mann stated that he would hold this bill for further study.

As there was no further business the meeting was adjourned.

Respectfully submitted,

Sandra N. Gagnier

Sandra Gagnier
Assembly Attache

59TH NEVADA LEGISLATURE

ELECTIONS COMMITTEE
LEGISLATIVE ACTION

DATE March 14, 1977

SUBJECT SJR 14 (58th Session) Proposes constitutional amendment to
eliminate certain restrictions on the right to seek elective
MOTION: _____ office

Do Pass XX Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved by Mrs. Wagner Seconded By Mr. Goodman

AMENDMENT _____

Moved By _____ Seconded By _____

AMENDMENT _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
MANN	<u>X</u>	—	—	—	—	—
SENA	<u>X</u>	—	—	—	—	—
CHANEY	<u>X</u>	—	—	—	—	—
GOODMAN	<u>X</u>	—	—	—	—	—
HORN	<u>X</u>	—	—	—	—	—
KOSINSKI	<u>X</u>	—	—	—	—	—
WAGNER	<u>X</u>	—	—	—	—	—

TALLY: 7 0

Original Motion: Passed X Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes March 14, 1977
Date

59TH NEVADA LEGISLATURE

ELECTIONS COMMITTEE
LEGISLATIVE ACTION

DATE March 14, 1977

SUBJECT AJR 8, Proposes to amend Nevada Constitution by deleting public administrators from list of elective county officer

MOTION: _____

Do Pass XX Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved by Mr. Kosinski Seconded By Mr. Horn

AMENDMENT _____

Moved By _____ Seconded By _____

AMENDMENT _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
MANN	<u>X</u>	—	—	—	—	—
SENA	<u>X</u>	—	—	—	—	—
CHANEY	<u>X</u>	—	—	—	—	—
GOODMAN	—	<u>X</u>	—	—	—	—
HORN	<u>X</u>	—	—	—	—	—
KOSINSKI	<u>X</u>	—	—	—	—	—
WAGNER	<u>X</u>	—	—	—	—	—

TALLY: 6 1

Original Motion: Passed XX Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes March 14, 1977
Date

59TH NEVADA LEGISLATURE

ELECTIONS COMMITTEE
LEGISLATIVE ACTION

DATE _____

SUBJECT AB 158, Removes voting machine provisions from NRS

MOTION: _____

Do Pass XX Amend XX Indefinitely Postpone ___ Reconsider ___

Moved by Mr. Horn Seconded By Mr. Sena

AMENDMENT (line 3,pg3 - delete 5 members and add 3 members)

(delete brackets on lines 1-2 of page 7 and add word paper between "which" and "ballot")

Moved By _____ Seconded By _____

AMENDMENT _____

Moved By _____ Seconded By _____

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

TALLY: 7 0

Original Motion: Passed XX Defeated ___ Withdrawn ___

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes March 14, 1977
Date