

MINUTES

ELECTIONS COMMITTEE
MARCH 16, 1977

Members Present: Chairman Mann
Mr. Sena
Mr. Chaney
Mr. Goodman
Mr. Horn
Mr. Kosinski
Mrs. Wagner

Members Absent: None

Guests Present: See attached list.

Chairman Mann called the meeting to order at 5:15 p.m.

SB 37: Enlarges board of county commissioners in certain counties.

Chairman Mann stated that the committee would take action on SB 37 before hearing testimony on AB 313. He read portions of a letter received from Frank Daykin concerning census figures used in this bill and this letter is attached and herewith made a part of this record as Exhibit C.

Mr. Kosinski explained that in effect this bill provided that the County Commissioners in counties of populations between 100,000 and 200,000 people would be limited by the last preceding national census if they desired to make any changes in existing districts. In order to make this bill constitutional in Clark County, he proposed to amend the bill by changing Section 3, line 13 to read "population is 200,000 or more" and in Section 5 amend NRS 244.014 by adding in essentially the same language that now exists in Section 3, page 1 except that where they speak of changes in population, he would specifically provide as indicated by the preceding national census. Mr. Kosinski added that this amendment would go to the bill drafters for proper language and Mr. Mann stated he would hold the bill until such time.

Mr. Mann stated that in effect this would allow Clark County to use the most available census data but would restrict Washoe County until at least the 1980 census. Mr. Goodman asked why Washoe County and not Clark County. Mr. Kosinski explained that the language in this law would not be unconstitutional in Washoe County. Mr. Mann added that it would take a cause of action to be filed if Washoe County tried to reapportion between now and the census. Mr. Goodman asked Mr. Mann to hold the bill until he could draw up an amendment and Mr. Mann explained that he would have three days to amend this bill on the floor. Mr. Sena moved a DO PASS AS AMENDED, seconded by Mr. Horn. Mrs. Wagner stated she was concerned because the

the amendment was not before them in drafted form and added that she assumed that this vote was binding only if the amendment was indeed as represented at this time. Mr. Mann stated that this could also be challenged on the floor if the amendment was not as presented. The motion was carried with Mr. Mann, Mr. Sena, Mr. Chaney, Mr. Horn, Mr. Kosinski and Mrs. Wagner voting yes and Mr. Goodman voting no.

AB 313: Amends election laws to facilitate voter registration.

Chairman Mann stated that this bill had generated a great deal of discussion and concern and asked that testifiers not comment on costs unless they could be documented. He added that there would be no action taken on this bill today, that it would be held for future hearing when testifiers from Washington, D. C., who were held up by the storm, could be here. He added that this would give everyone ample time to support any statements made.

Assemblyman Demers thanked the committee for holding this hearing and read a statement of support for AB 313, attached as Exhibit A and herewith made a part of this record, in which he referred to Exhibit A-A, a graphic description of voter participation in various states; Exhibit A-B a letter from Lyn Hardy of Oregon; Exhibit A-C, a letter signed by Peg Balozovich of the Pennsylvania Department of State; Exhibit A-D, a letter signed by Marie Garber of Rockville, Maryland, with Exhibits A-E and A-F attached; and a copy of the Carter administration proposal for universal registration, Exhibit A-G. These exhibits are attached and herewith made a part of this record.

He added that he had talked with the Federal Elections Commission and the universal registration proposal would call for a forty-nine million dollar appropriation every two years for the purpose of assisting states in election administration. It would be broken down in the following manner: twenty cents for same day registration for a federal office election, an additional twenty cents for same day registration for a state or local election, and twenty additional cents or a total of sixty cents for the administration plan if approved by the Federal Elections Commission. As an example he stated that the last election in Washoe County cost eighty-two cents per vote, and if the bill does pass Congress, sixty cents would come from the federal level.

Mr. Mann asked Mr. Demers if he anticipated an increase in election costs with postcard registration. Mr. Demers stated that the canvassing portion of the bill would cost Clark County approximately \$30,000. Mr. Horn asked Mr. Demers if his words "registration laws can be construed as a deliberate effort to disenfranchise voters" were not a little harsh. Mr. Demers answered that voter registration laws in Nevada, as in many other states, were established to overcome problems experienced at the turn of the century. He added that states that had the most liberal laws had the largest turnout of voters and in Nevada only 50% of those eligible were voting.

Mrs. Wagner asked Mr. Demers what kind of voter registration was used in the countries having 75% turnout that he had referred to on page 2 of his testimony. He explained that these countries did not have a hodgepodge of complex regulations but did have systems similar to AB 313 which accounted for the higher voter rate.

Mr. Mann read the fiscal note, BDR 24-654, to AB 313: Counties will incur additional cost resulting from changing from an affidavit of registration system to a card registration system. Assuming that this measure does not require a complete reregistration the first year, counties will have two options: 1) reregister all voters the first year, 2) run a dual system for a period of years. The second option appears to be the least costly. Counties will also incur cost resulting from the canvas requirement page 8, lines 40-46. A summary of input from several counties follows: Elko, cost \$2,452; Lincoln, approximately \$1,000 the first time and \$250 each election thereafter; Humboldt, reregistration would wipe out off-year election budget of \$7,500; Mineral, \$5,000 to \$6,000 for two fiscal years; Lyon, \$3,000 minimum; Washoe, \$46,350 to reregister all the first year, \$30,350 if reregistered over a period of time, canvassing costs the first year \$16,425, later years \$6,425 excluding mileage and per diem; White Pine, little impact. Page 4, line 50 and page 5 lines 1 and 2, require additional registration locations, not fewer than one for each thousand residents. Assuming that this would have to be staffed, operating and equipment money would also be required. No input has been received from Clark County. Mr. Mann added that Mr. Colton had these figures.

Mr. Kosinski asked Mr. Demers how many of the states listed in Exhibit A-A did have postcard registration. Mr. Demers stated that there were 18 but he was not sure which ones they were. He added that Minnesota was at the top of the list with 80% of eligible voters turning out, 22% of whom registered on the day of the election. He added that this might not be a good example as this was Vice President Mondale's state. He said that Wisconsin and Minnesota have the most open laws and Pennsylvania just put postcard registration into effect in 1976. Mr. Kosinski stated that he felt they needed a more current table.

Mr. Demers stated that there is evidence that Congress may say that any state that does not have 65% of its eligible citizens turning out would automatically come under the federal law, the theory being that because of the registration requirements in the various states people are being deprived of the ability to vote.

Mr. Mann informed the committee that he did not feel they should decide legislation based on what the federal government might do or what money might be received from them.

Mr. Mann stated that in the last election, they went door to door and registered 125 people who had never registered before, and out of those 125 less than 15 people voted. He speculated that possibly if a person is too lazy to register, he might also be too lazy to vote no matter how simple it was made for him.

William Swackhamer, Secretary of State, stated that he did not take any position on this bill. He said that in their research the biggest fear was that this would open up the opportunity for fraud and the biggest hope for the bill would be increased voter participation. He added that the information that they had gathered had not proved either of these points to be valid. Philosophically he added that there seems to be a myth that if 100% of the eligible citizens do vote, all the evils of the world will go away. He added that he personally did not feel that registration should be made so easy, that if a person was not interested in making an effort to register, would he be willing to make an effort to research a candidate and vote intelligently.

David Howard, Deputy Secretary of State, stated that in 1972 because of the low turnout in Sparks they made a study of those people who were registered but did not vote to determine in what manner they had registered. Sixty-two percent of the 21,000 people who were registered door to door or by some other means than coming to the registrar's office failed to vote. In 1974 the same study was repeated and the percentage was sixty four. He added that he feels that if you must make it convenient to register, then you must make it convenient to vote.

Mr. Howard said that Mr. Demers had stated that people were not voting because of difficult registration procedures or laws. He stated that an Election Administration Report in 1976 indicated that not restrictive laws and procedures were the cause of people not voting, but that candidates said one thing and did another. He added that this is a direct reverse of what Mr. Demers said and it came from a report in 1976 not 1968. He added that the cost of 82 cents per vote as stated by Mr. Demers was for a simple presidential primary election and that the cost for a general election would run in excess of \$1.20 per vote. He said that postcard registration has been a concern of Congress since 1971, and it has been estimated that it would cost fifty million dollars to institute this procedure on a federal level.

Mr. Howard said that he was glad Mr. Demers had stated that Minnesota was not a good comparative for Nevada because he had talked with the Secretary of State's office there and found that Minnesota has always had a high percentage of voter registration and a high percentage of turnout, that it was not due to postcard registration. He added that he had talked with the Registrar of Voters in Minneapolis who said that they had registered 93,000 people on November 2nd. There were two long lines, one to register and one to vote and some people could not wait in two lines that long. The registrar called it an administrative nightmare and said they were still processing these registrations and would not be finished by city elections in April. He added that he had also talked to the registrar's office in St. Paul and they were experiencing the same problems. They also said there was legislation proposed which would allow local governments to raise tax levies to support elections and registrations all because of postcard and same-day registrations. He said that he sees many

mechanical problems with the bill as it is put together. He also informed Mrs. Wagner that this bill does not include same-day registration.

Mrs. Wagner asked Mr. Howard to forward to the committee the information that his office has gathered proving neither increase in fraud nor increase in voter participation. She also asked him if he felt the possibility of fraud was as great now as it might be with postcard registration. He stated that he felt that in-person registration would tend to discourage fraud. Mrs. Wagner asked Mr. Howard to please get more recent data to the committee on percentage of voter turnout.

George Hawes, Assistant to Lou Paley, representing the Nevada State AFL-CIO and seventy affiliated unions, 1150 Terminal Way, Reno, 89503, urged support of AB 313. He stated they were in favor of a more modern, better way of reaching potential voters to increase voter participation. He feels that Congress will enact federal postcard registration, that this legislation includes same-day registration and penalties for false registration which AB 313 does not. He added that sixteen states have instituted postcard registration and in neither Wisconsin nor Minnesota, where postcard registration showed a large increase, was there fraudulent voting. He read from a letter received from the Governor of Minnesota which stated that postcard registration has been working extremely effectively and showed a dramatic increase in registered voters in Minneapolis, that there had been no allegations of voter fraud. He added that statistics from a 1973 poll showed 73% of eligible voters did register in states with lenient laws while states with strict laws showed 62% registration. He stated that President Carter has suggested eliminating all voter registration laws and allowing persons to vote on identification alone. He suggested allowing citizens to register to vote when obtaining a driver's license, that in Michigan where this was done it cost 21 cents per voter registered. He added that Utah which had one of the highest percentage of voter turnout adopted postcard registration to increase this percentage.

Mr. Mann asked Mr. Hawes to have definite figures of the increase in voter registration available to the committee by the next hearing.

Mr. Hawes continued by stating that Nevada already had balloting by mail for soldiers and senior citizens, that he and Mr. Paley believe there is no valid argument against postcard registration. He added that protection from fraud is built into this system in that notification of registration must be sent by non-forwardable first class mail, information of prior registration is required with authorization to cancel same, and computerized records make it possible to scrutinize data to eliminate duplication. He added that he, Mr. Paley, the AFL-CIO feel that postcard registration will insure that all citizens have easy and equal access to registration.

Mr. Kosinski noted that because of the use of the word affidavit on page 2, line 19, section 293.600, would have to be amended. Mr. Hawes suggested bracketing out the words "on an official affidavit." Mrs. Wagner questioned the language on page 6, lines 32-33 which

say "need not be executed before an officer authorized to administer oaths." Mr. Hawes explained that this was to eliminate the appearance before a notary public, that the voter signs his name to a statement of truth.

Mrs. Wagner asked how soon before a primary must a voter register. Mr. Hawes stated that this was thirty days. Mrs. Wagner noted that on page 8, section 24, the bill stated that registration shall close at 9 p.m. on the fifth Saturday preceding any election, that this was not necessarily 30 days. Mr. Hawes stated that he thought the Election Laws stated 30 days.

Mr. Mann asked Mr. Howard to send him a letter projecting the costs that might be incurred from this bill in his office. Mr. Howard said he would need to know who was going to print these cards, who was going to distribute them, and there was nothing in the bill that stated this information.

Mr. Mann questioned why sections 27, 28 and 29 were included in this bill as they did not deal with postcard registration but with canvassing, computer examination, and ballot counting. Mr. Hawes stated that these sections were included to protect against fraud. Mr. Mann added that they did not deal with postcard registration fraud and asked Mr. Hawes if he would object to amending these sections out. Mr. Hawes stated that he felt these sections should be included as part of AB 313.

Ken Haller, Washoe Democratic Central Committee, 1611 Clemson Road, Reno, 89502, stated that for the last six years he had been a deputy registrar in Washoe County and had encountered many of the problems relating to voter registration. He mentioned the difficulties in registering some people because of working hours, health, age and intelligence. He added that deputy registrars do have some influence on the way people register. He stated that he was definitely in favor of anything that would make it easier for people to vote including twenty-four hour voting. He also said that he was confused by the inclusion of Sections 27, 28 and 29 and he would rather see one bill on postcard registration alone. He added that in his experience it was not difficult to examine a computer, that the stated cost of canvassing was too high. He would like to see deputy registrars done away with and have only postcard registration but with non-returnable first class notification. He stated that at one time he had checked on addresses that voters had listed as residences and found that 25% of the mail was undeliverable. He felt that if he wanted to be a fraudulent person there were three or four places he could register in Washoe County. He said that Mr. Howard, as Registrar of Voters, had improved this situation but some problems still existed. He added that he felt there was a great need to go through all the election laws.

Stan Colton, Registrar of Voter, Clark County, stated that he felt the potential for fraud was greater with postcard registration. He added that he felt they had done all they could do to expand the

privilege of registration to all citizens with a permanent registration booth set up at the library and many booths in shopping centers and around town at different times of the year. He noted that one woman had manned a booth for five hours and registered only four people out of the four to five thousand people who passed by. He added that there is no consistent system of registration either under regular or postcard registration systems. He said that in Clark County they had mailed reinstatement cards to 36,000 people who had failed to vote. Of this number 7,000 were returned, 1,000 of which were improperly filled out. At a later date 7,000 cards were sent out requiring signature of a notary public. Twelve hundred were returned with 400 wrong even though signed by a notary public. He commented that in Mr. Demers' testimony he had referred to Maryland saying that postcard registration was a godsend. He explained that before postcard registration, it took a Democrat and a Republican standing side by side to register an Independent American, that it cost approximately \$2.00 per person because of the overcomplicated, political form of registration. He feels that citizens are not disenfranchised with the cumbersome registration law but rather disenfranchised with themselves. He added that in Washington, D.C., 575,000 registration cards were sent out, two to each household in 1976. At the close of the registration period only 19,000 had been returned, approximately 6%. He also said that in Texas they have had postcard registration for 35 years, that a citizen can even clip a coupon out of the paper to register. He noted that Texas ranks fifth in total population, but 45th in voter registration. He stated that the main reason that most of the 18 states had gone to postcard registration was that they were afraid of a federal universal system of registration. He feels that because these separate state systems are a hodge-podge, the federal government will insist they change. He stated that the fiscal impact would be \$110,000, in addition to the existing costs, the first year in Clark County which includes canvassing as well as registration.

Mr. Kosinski asked what the cost would be if the last three sections of the bill were removed. Mr. Colton explained that they estimated that the canvassing would cost initially \$50,000 and \$20,000 every two years thereafter. He added that an additional cost of \$40,000 would be incurred in changing computer programs. Thus, the cost of postcard registration alone would be \$60,000 initially and \$20,000 annually thereafter.

Mr. Colton added that in a study done by a non-partisan organization, it was found that obstruction to voting was not an important reason for people not voting, that 68% of the people polled felt that candidates said one thing but did another. He feels that presidential elections will always bring a higher turnout because political parties are spending more money advertising their candidates. He added that some people hesitate to register because voter lists are sometimes used as jury duty lists, that if this procedure were discontinued, Clark County registration would increase by 25%.

Mr. Colton said that Los Angeles County had problems with incomplete filling out of cards, that previous costs of registration was about \$1.50 per voter and now ranged from \$1.50 to \$5.00 per voter and

registration was down 500,000 from 1974. He added that a study of voters in Harlem showed that 50.2 percent of people who registered by mail voted, whereas 64.4 percent of voters who registered in person did vote. Mr. Colton made the final comment that if Section 29 were left in the bill, they would have to campaign for additional members of the Independent American Party, as there would not be enough to go around.

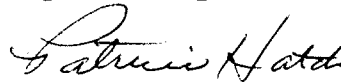
Patti Caparetta, Vice Chairman of the Republican Party in Washoe County, 3850 Lakeside Drive, Reno, stated that she was also a deputy registrar and did not find this difficult. She added that when Mr. Howard was Registrar, he found that some deputies were incompetent, that if you make it easy to register, people do not get out and vote. She stated that in postcard registration, potential for fraud is there, that statistics evidently show that turnout will be less. She added that the Central Committee of the Republican Party had voted unanimously in opposition to A.B. 313. She stated that she felt that the only people who would benefit from this bill were organizations such as COPE who pay for voter registration, that if this bill were passed, the taxpayers would be the ones to pay for it.

Ann Rollins, Registrar of Voters in Washoe County, asked that her letter to Mr. Mann be entered into the record and is herewith made a part of this record as Exhibit B.

Mr. Mann asked Mr. Colton to send him a report verifying his facts and dealing with the bill section by section.

Mr. Mann asked that all people present be notified of the next hearing of this bill. He then adjourned the meeting at 7:55 p.m.

Respectfully submitted,



Patricia Hatch, Assembly Attache

GUEST LIST

ELECTIONS COMMITTEE

NAME (PLEASE PRINT)	REPRESENTING	WISH TO SPEAK	
		YES	NO
X KEN HALLER	WASHOE CTY DEMOCRATIC C.C.	✓	FOR
RITA HALLER	" " " "		✓ FOR
Danny Demers	PRO AB. 313 State ASSEMBLYMAN	✓	
G. Holbrook Hawes	PRO AB 313 NEO. STATE AFL-CIO	✓	FOR
Bern B. Bogert	C.P.E. - Nev. State Jaycees		<u>NO</u>
ANN ROLLINS	Washoe County		✓ AGAINST
Lynn B. Gray	Republicans	✓	
Wally Smith	Clark County	✓	against
Stanley B. Patton	Clark County		against
PAT GOTHBERG	COMMON CAUSE		✓
Jim Luckman	Sec. of State		no position
David D. Howard	Sec. of State	"	"
William J. Green	Douglas County		against
Barbara Fale	Douglas County		against
Linda Brooks	Nevada County		against
Yvonne Bernard	Douglas Co.		against

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I COME BEFORE YOU TODAY IN SUPPORT OF A.B. 313, A BILL WHICH IS DESIGNED TO FACILITATE AND EXPAND CITIZEN PARTICIPATION IN OUR DEMOCRACY.

WHAT IS AT STAKE HERE IS WHETHER OR NOT VOTING IS CONSIDERED A PRIVILEGE OR A RIGHT. AND THE RECOGNITION THAT THE VOTER REGISTRATION SYSTEM IN NEVADA IS MORE OF AN OBSTACLE THAN IT IS AN AID IN GENERATING CITIZEN PARTICIPATION IN THE VOTING PROCESS. I AM SUBMITTING TO YOU AS EXHIBIT A, A GRAPHIC DESCRIPTION OF VOTER PARTICIPATION IN THE VARIOUS STATES. AS YOU WILL NOTE, NEVADA RANKS 41ST AMONG THE 50 STATES.

NATURALLY, THE QUESTION AS TO WHETHER OR NOT OUR SYSTEM OF REGISTRATION IN NEVADA IS AN OBSTACLE TO CITIZEN PARTICIPATION MUST BE PROVEN. A CONCLUSION OF THE GALLUP POLL IN 1969, NATIONALLY, STATED: "IT WAS NOT A LACK OF INTEREST, BUT RATHER THE RESIDENCY AND OTHER REGISTRATION QUALIFICATIONS THAT PROVED TO BE THE GREATEST BARRIER TO WIDER VOTER PARTICIPATION IN OUR NATION." THE LEAGUE OF WOMEN VOTERS IN A STUDY PUBLISHED IN

1972 STATED: "MILLIONS OF AMERICAN CITIZENS FAIL TO VOTE NOT BECAUSE THEY ARE DISINTERESTED BUT BECAUSE THEY ARE DISENFRANCHISED BY THE PRESENT ELECTION SYSTEM." THE NATIONAL MUNICIPAL LEAGUE CAME TO A SIMILAR CONCLUSION.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, NOWHERE IN THE FREE WORLD IS VOTER PARTICIPATION AT A LOWER LEVEL THAN IN THE UNITED STATES. VOTERS IN CANADA, ENGLAND AND GERMANY, FOR INSTANCE, HAVE BEEN PARTICIPATING IN THEIR ELECTIONS AT A RATE WELL ABOVE 75 PERCENT.

A U.S. SENATE COMMITTEE STUDYING THIS PROBLEM IN 1974 DISCOVERED THAT NINE OUT OF TEN REGISTERED AMERICANS VOTE BUT FEWER THAN SIX OUT OF TEN VOTING AGE AMERICANS VOTE. IT WAS THE COMMITTEE'S CONCLUSION THAT THIS DISQUIETING RECORD OF VOTER TURNOUT WAS IN LARGE PART DUE TO THE HODGEPODGE OF REGISTRATION BARRIERS PUT IN THE WAY OF THE VOTER. AT BEST, CURRENT REGISTRATION LAWS IN NEVADA AND MANY OTHER STATES ARE OUTMODED AND SIMPLY INAPPROPRIATE FOR A HIGHLY MOBILE POPULATION. AT WORST, REGISTRATION LAWS CAN BE CONSTRUED AS A DELIBERATE EFFORT TO DISENFRANCHISE VOTERS WHO NEED QUICK AND EASY ACCESS INTO THE DECISIONMAKING PROCESSES OF OUR COUNTRY AND STATE.

TO PUT IT ANOTHER WAY, THE EFFECT, IF NOT THE INTENT, OF REGISTRATION LAWS IS TO INTERFERE WITH THE MOST FUNDAMENTAL PROPOSITION OF A FREE SOCIETY--THAT IS, WE MUST HAVE FULL VOTER PARTICIPATION IN THE DEMOCRATIC PROCESS.

AN ARGUMENT THAT UNDOUBTEDLY WILL BE RAISED TODAY IS THAT REGISTRATION BY MAIL WILL LEAD TO FRAUD IS BASED MORE ON UNSUBSTANTIATED FEAR THAN IT IS FACT. I WOULD SUBMIT TO YOU THAT UNDER THE CURRENT REGISTRATION SYSTEM THE POSSIBILITY FOR FRAUD IS AS GREAT AS UNDER THE POSTCARD SYSTEM.

DOES A POSTCARD REGISTRATION SYSTEM WORK. THE ANSWER IS YES. EXHIBITS B, C AND D ATTEST TO THAT FACT.

EXHIBIT B IS A LETTER FROM LYN HARDY OF OREGON IN WHICH HE STATES: "VIRTUALLY EVERY COUNTY ELECTION OFFICIAL IN THE STATE WAS OPPOSED BUT IS NOW IN FAVOR OF REPEALING THE OLD REGISTRAR SYSTEM."

EXHIBIT C IS A LETTER SIGNED BY PEG BALOZOVICH OF THE PENNSYLVANIA DEPARTMENT OF STATE IN WHICH SHE WRITES: "THE PROGRAM IN OUR OPINION WAS SUCCESSFUL . . ."

LASTLY, EXHIBIT D, SIGNED BY MARIE GARBER OF ROCKVILLE, MARYLAND. THE ATTACHED CUMPUTER RUN TESTIFIES TO TWO THINGS: FIRST, IN 1976, MORE PEOPLE REGISTERED BY MAIL THAN THEY DID IN PERSON (37,897 PEOPLE VS. 22,060), AND SECONDLY, THAT A HIGHER PERCENTAGE OF POSTCARD REGISTRANTS VOTED THAN DID IN-PERSON REGISTRANTS (86.4 PERCENT VS. 85 PERCENT).

IN SUMMING UP, I BELIEVE A PRINCIPLE IS AT STAKE HERE. IS THE LEGISLATURE TO SERVE THE NEED AND CONVENIENCES OF ITS CITIZENS OR THE NEEDS AND CONVENIENCES OF LOCAL OR STATE GOVERNMENT OFFICIALS? THE FACTS CONTAINED IN EXHIBIT A, ESPECIALLY, INDICATE THAT UP TO 50 PERCENT OF VOTING AGE NEVADANS ARE NOT VOTING. THE QUESTION IS--ARE THEY DISINTERESTED OR ARE THEY BEING DISENFRANCHISED BECAUSE OF CUMBERSOME ELECTION LAWS? THAT IS THE QUESTION WE HAD TO ADDRESS LAST SESSION WHEN THIS BILL PASSED THE ASSEMBLY ON A VOTE OF 32 TO 8 AND FAILED BY ONE VOTE IN THE SENATE.

LASTLY, I WISH TO ADVISE THIS COMMITTEE THAT 2 WEEKS AGO IN WASHINGTON D.C., I HAD THE HONOR OF MEETING WITH A MEMBER OF VICE PRESIDENT WALTER MONDALE'S STAFF WHO IS WORKING ON A

UNIVERSAL REGISTRATION PROPOSED FOR CONGRESS. I AM SUBMITTING
AS EXHIBIT G A COPY OF THE CARTER ADMINISTRATION PROPOSAL.

THANK YOU FOR YOUR TIME AND I WILL BE WILLING TO ANSWER ANY
QUESTION.

DD/jd

TABLE 4
 Percentage of Voter Turnout in Selected Presidential Elections 1920-1968

State ^a	1968	1964	1960	1956	1944	1932	1920
Utah	76.9	76.9	80.1	75.2	76.2	75.1	63.8
Idaho	72.8	75.8	80.7	77.6	76.3	73.4	57.9
Minnesota	71.8	76.8	77.0	67.7	70.2	62.7	53.3
Delaware	71.7	71.1	73.6	72.1	68.9	72.8	69.5
Iowa	71.6	72.3	76.5	73.2	72.0	67.8	62.7
Indiana	71.5	74.0	76.9	71.8	76.2	76.4	71.0
New Hampshire	70.9	72.3	79.4	75.2	78.1	68.5	56.6
South Dakota	70.8	72.6	78.3	73.5	70.8	73.4	52.8
Colorado	70.2	68.0	71.4	67.6	76.2	71.5	51.7
West Virginia	70.0	75.2	77.3	75.2	74.1	78.5	67.8
Illinois	69.3	74.0	75.7	73.2	79.4	68.6	53.1
Wyoming	69.3	73.2	74.0	67.8	75.6	71.3	45.4
Connecticut	68.5	71.8	76.8	76.6	70.2	58.3	43.6
Rhode Island	68.2	68.7	75.1	73.7	65.3	62.9	47.3
Wisconsin	68.0	70.8	73.4	67.4	71.2	60.7	45.9
Massachusetts	67.8	71.3	76.1	75.7	73.0	58.0	41.2
Maine	67.5	65.6	72.6	62.8	60.5	60.2	41.6
North Dakota	65.5	72.2	78.5	70.6	71.0	71.4	63.7
Vermont	65.5	68.0	72.5	67.4	63.6	62.0	41.4
New Jersey	65.1	68.6	71.8	69.0	70.9	62.3	48.0
Washington	65.0	71.5	72.3	70.8	65.6	59.9	46.5
Montana	65.0	69.8	71.4	71.0	70.8	67.4	55.8
Michigan	64.9	68.9	72.4	68.1	63.7	56.6	47.3
Oregon	64.4	69.6	72.3	68.2	59.7	57.5	48.2
Ohio	63.6	66.6	71.3	65.0	69.5	61.3	56.8
Kansas	63.5	64.8	70.3	67.2	68.3	68.9	55.7
New Mexico	63.3	63.9	62.1	59.6	59.0	66.2	56.9
Pennsylvania	63.2	68.1	70.5	65.7	64.1	48.8	36.7
Missouri	63.1	67.4	71.8	67.8	68.9	68.7	65.4
Oklahoma	62.9	62.5	63.8	63.6	62.0	53.7	47.6
Hawaii	62.7	52.5	51.3	-	-	-	-
California	61.0	64.7	67.4	63.8	62.9	55.9	40.7
Nebraska	59.9	66.6	71.4	67.1	75.9	69.1	51.8
Florida	58.2	52.7	50.0	45.9	36.3	30.2	36.0
Maryland	57.7	56.0	57.2	54.5	47.5	49.1	49.7
New York	57.3	63.2	67.0	66.0	74.1	56.0	44.5
Alaska	56.4	48.7	45.5	-	-	-	-
Louisiana	55.6	47.3	44.8	36.4	26.3	22.5	13.6
North Carolina	54.7	51.8	53.5	48.2	43.1	43.7	44.5
Nevada	54.2	55.5	61.2	62.8	62.3	63.7	52.1
Virginia	53.1	41.0	33.4	33.5	23.9	21.7	19.1
Tennessee	53.0	51.1	50.3	46.3	31.0	26.1	35.3
Arkansas	52.5	49.9	41.1	39.9	22.0	22.5	21.2
Texas	51.6	44.4	41.8	37.9	30.5	25.8	19.8
Mississippi	51.6	32.9	25.5	21.7	16.8	13.8	9.4
Alabama	51.5	36.0	31.1	28.3	16.4	17.6	20.8
South Carolina	48.0	38.0	30.5	25.2	11.0	12.1	8.6
Kentucky	46.8	52.9	59.2	58.8	59.7	67.4	71.2
Arizona	43.6	54.7	54.5	50.8	43.4	46.6	35.4
Georgia	41.6	44.9	30.4	29.7	18.2	16.4	10.4
District of Columbia	33.5	40.2	-	-	-	-	-
Average for U.S.	60.6	61.8	63.8	60.1	56.3	52.9	44.2

^aStates are ranked by percentage turnout in the 1968 election and the vote is a percentage of the civilian population of voting age.

Sources: United States Bureau of the Census, *Statistical Abstract of the United States: 1962*, 83d ed. (Washington D.C.: United States Government Printing Office, 1962) for civilian population of voting age figures, 1920, 1940, 1960; Population Division, United States Bureau of the Census for estimates of civilian population of voting age, 1924-1936, 1944-1956; Richard M. Scammon (ed.), *America Votes*, Vol. IV (Pittsburgh: University of Pittsburgh Press, 1962), for votes cast in presidential elections, 1948-1960; *Statistics of Presidential and Congressional Elections, 1920-1958*, compiled under direction of Clerk of House of Representatives, for votes cast in presidential elections, 1920-1944. Reproduced from the Report of the President's Commission on Registration and Voting Participation, November, 1963. Figures for 1964 and 1968 were compiled by Walter Dean Burnham and taken from a table in "That All May Vote," a report by The Freedom to Vote Task Force of the Democratic National Committee, December, 1969.



OFFICE OF THE SECRETARY OF STATE

CLAY MYERS
SECRETARY OF STATE

ELECTIONS AND PUBLIC RECORDS
DIVISION

STATE CAPITOL
SALEM, OREGON 97310
378-4144

~~LYNDON A. S. WILSON, JR.~~
~~RICHARD H. BANTON~~

LYNDON A. S. WILSON, JR.
~~XXXXXXXXXXXX~~
KIM F. SKERRITT
ASSISTANTS

December 16, 1976

Mr. Don Rhodes
Legislative Counsel Bureau
Legislative Building
Carson City, NV 89710

Dear Mr. Rhodes:

We are very pleased that Nevada is looking at our various election procedures. We are looking forward to working with you in any project of which we can be of help.

Enclosed is a copy of our latest SED 134M and our SED 134. The SED 134 is for use across the counties at election departments. We also enclose one of our cardboard display holders.

Our original order of SED 134 and 134M's was printed by UARCO Business Forms. We ordered 250,000 of SED 134 at a cost of \$13.92/M and 750,000 of SED 134M at a cost of \$20.85/M. We put a reorder out on bid and the bid was won by Moore Business Forms, Inc. They supplied 500,000 SED 134M's at a cost of \$16.96/M. We later ordered another 300,000 at \$18.25/M. The Moore Business Forms salesman has all of the layouts, etc. His name is Richard Turnell here in Salem.

The majority of the cost of the system was in the printing of the forms and holders. The distribution was made through the 36 counties elections departments. The forms were mailed directly from the vendor to the counties. I enclose a copy of our Directive No. 1975-2 which were our instructions to the counties relating to the distribution and processing of the registration by mail forms.

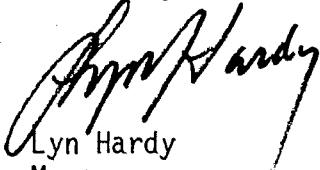
The acceptance of this system by both the public and election officials has been very gratifying. Virtually every county election official in the state was opposed but are now in favor of repealing the old registrar system in favor of the registration by mail system. We attribute much of the success of the system to the form itself. We believe the form adds dignity thereby encouraging people to be more careful in filling it out. The rejection rate for all purposes combined is something less than 10%. This compares very favorably to the rejection rate of forms previously completed by deputy registrars.

Don Rhodes
December 16, 1976
Page Two

Again, if there is anything further that we can help you with, feel free to give us a call.

Have a happy holiday season.

Sincerely,



Lyn Hardy
Manager
Elections & Public Records

LH:bf

Enclosures



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
HARRISBURG 17120

SECRETARY OF THE COMMONWEALTH

January 24, 1977

Mr. Don Rhoads
Nevada Legislative Council Bureau
Legislative Building
Carson City, Nevada 89710

Dear Mr. Rhoads:

Attached you will find a copy of our Mail Registration Report as compiled by this office.

The program in our opinion was successful, as we had only one month to print forms and implement the law. The program was in operation during the months of August and September and we registered approximately 650,000 new voters. I am certain that you will find the information contained in the report both informative and helpful.

If I can be of further assistance regarding our mail program, please contact my office.

Sincerely,

Peg Balazovich
Special Assistant

PB/jh

Enclosure

Exhibit 10

EXHIBIT A-D



**BOARD of SUPERVISORS of ELECTIONS
for Montgomery County, Maryland**

Post Office Box 333, Rockville, Maryland 20850 - Telephone 279-1507

James Henry Murdock
President

December 27, 1976

Pamela Brewington
Member

W. Lee Hammer
Member

Mr. Donald Rhodes
Legislative Counsel Section
Legislative Building
Carson City NV 89710

Mary G. Hanson
Substitute Member

Douglas R. Stephenson
Substitute Member

Dear Don:

Marie M. Garber
Elections Administrator

Enclosed is a selection of materials relating to registration by mail, both as a general concept and as conceived, enacted and implemented in this state and county.

John C. Eisele
Elections Administrator

I hope I have not overwhelmed you. I wanted you to have materials and information you would need to formulate and justify a program, as well as to respond to objections I know will be raised.

John P. Diuguid
Counsel

Robert Gruber
Deputy Administrator

Annemarie Rogers
Office Manager

If you have any questions, be in touch. Moreover, I expect to see Dan at the meeting of the FEC Advisory Council January 10-11. If he has had a chance to survey the subject prior to that trip, he could discuss his questions with me at the meeting.

Thanks for your interest.

Sincerely,

(Mrs.) Marie M. Garber

Enclosures

MG:hh

DATE: 11/18/76

SUPERVISORS OF ELECTIONS

VOTER TURNOUT IN ELECTION OF 11-02-76
VOTERS WHO REGISTERED 07-01-75 THROUGH 10-04-76
MONTGOMERY COUNTY, MARYLAND

PARTY	-----REGISTERED BY MAIL-----			----REGISTERED IN PERSON---			-----ALL REGISTERED----- 07-01-75 THROUGH 10-04-76		
	NUMBER OF REGISTERED VOTERS	NUMBER VOTING	PERCENT TURNOUT	NUMBER OF REGISTERED VOTERS	NUMBER VOTING	PERCENT TURNOUT	NUMBER OF REGISTERED VOTERS	NUMBER VOTING	PERCENT TURNOUT
DEMOCRAT	21,363	18,513	86.6%	12,344	10,590	85.7%	33,707	29,103	86.3%
REPUBLICAN	8,221	7,235	88.0%	5,404	4,578	84.7%	13,625	11,813	86.7%
DECLINE	8,313	7,018	84.4%	4,312	3,605	83.6%	12,625	10,623	84.1%
OTHER	0	0	0.0%	0	0	0.0%	0	0	0.0%
TOTALS	37,897	32,766	86.4%	22,060	18,773	85.0%	59,957	51,539	85.9%

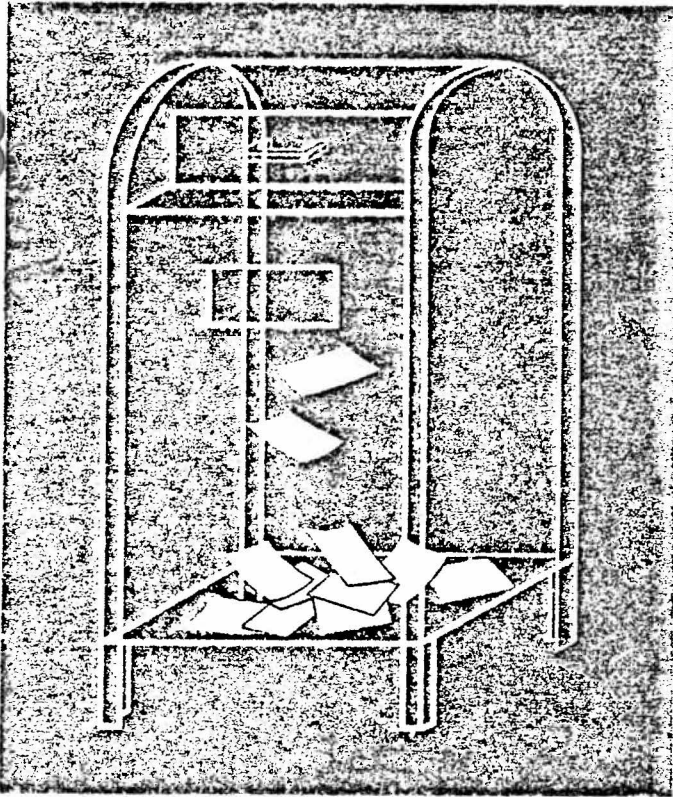
DATE: 11/18/76

SUPERVISORS OF ELECTIONS
 MONTGOMERY COUNTY, MARYLAND
 MIS RECONCILIATION REPORT FOR
 VOTER TURNOUT IN ELECTION OF 11-02-76

	TOTAL NUMBER OF REGISTRANTS	# OF VOTERS PARTICIPATING IN ELECTION	# OF VOTERS REGISTERED BY MAIL	# OF MAIL REGISTRANTS PARTICIPATING IN ELECTIONS	# OF VOTERS REGISTERED IN PERSON	# OF IN-PERSON REGISTRANTS PARTICIPATING IN ELECTIONS
DEMOCRATS	(1) 33,707	(6) 29,103	(11) 21,363	(16) 18,513	(1-11) 12,344	(6-16) 10,590
REPUBLICANS	(2) 13,625	(7) 11,813	(12) 8,221	(17) 7,235	(2-12) 5,404	(7-17) 4,578
DECLINES	(3) 12,625	(8) 10,623	(13) 8,313	(18) 7,018	(3-13) 4,312	(8-18) 3,605
OTHERS	(4) 0	(9) 0	(14) 0	(19) 0	(4-14) 0	(9-19) 0
TOTALS	(5) 59,957	(10) 51,539	(15) 37,897	(20) 32,766	(5-15) 22,060	(10-20) 18,773

	% OF VOTERS REGISTERED	% OF VOTING REGISTRANTS	% PARTICIPATION BY PARTY	% OF VOTERS REGISTERED BY MAIL
DEMOCRATS	175 X 100 = 56.21%	671 X 100 = 86.34%	6710 X 100 = 56.46%	1171 X 100 = 63.37%
REPUBLICANS	275 X 100 = 22.72%	772 X 100 = 86.70%	7710 X 100 = 22.92%	1272 X 100 = 60.33%
DECLINES	375 X 100 = 21.05%	873 X 100 = 84.14%	8710 X 100 = 20.61%	1373 X 100 = 65.84%
OTHERS	475 X 100 = 0.00%	974 X 100 = 0.00%	9710 X 100 = 0.00%	1474 X 100 = 0.00%

	% OF MAIL REGISTRANTS PARTICIPATING IN ELECTIONS	% OF VOTERS REGISTERED IN PERSON	% OF IN-PERSON REGISTRANTS PARTICIPATING IN ELECTIONS
DEMOCRATS	16/11 X 100 = 86.65%	(1-11)/1 X 100 = 36.62%	(6-16)/(1-11) X 100 = 85.79%
REPUBLICANS	17/12 X 100 = 88.00%	(2-12)/2 X 100 = 39.68%	(7-17)/(2-12) X 100 = 84.71%
DECLINES	18/13 X 100 = 84.42%	(3-13)/3 X 100 = 34.15%	(8-18)/(3-13) X 100 = 83.60%
OTHERS	19/14 X 100 = 0.00%	(4-14)/4 X 100 = 0.00%	(9-19)/(4-14) X 100 = 0.00%



Mail Registration— A New Opportunity

by Richard E. Murphy

A voter registration study done by Daniel Yankelovich Inc. found that the most voters who did not vote in 1972 were those who were lost to the electorate because they were not registered.

The magnitude and scope of the non-registration problem proves to be a cause for real concern; for in addition to the large numbers of people who failed to register, a review of the national registration picture reveals it is the less fortunate citizens who are more likely to be unregistered and hence unqualified to vote. The average registered voter is middle class, educated and relatively affluent. The average nonregistered voter is working class, less advantaged and poor. The registration picture also becomes distorted along racial lines. A considerably higher percentage of white citizens (73 percent) are registered, compared to the nation's black, Puerto Rican, Mexican-American, and American Indian citizenry, which stands at 52 percent, the Yankelovich study for the National Student Vote Organization found.

The Yankelovich survey found that while the general public explains away nonregistration as the result of apathy on the part of many men and women, the situation is far more complicated than that. First, there are the two distinctly different groups of nonregistered voters: those who don't register because they don't want to vote, and those who want to vote, yet fail to register.

The nonregistered are generally less confident about how things are going in the United States, less assured

that they will receive a fair and equal break, less committed to the idea that America is the most democratic country in the world, more convinced that people in government are only interested in knowing their views at election time, more questioning about the value of their vote and less certain that more qualified candidates will be elected if more people vote.

A sense of second-class citizenship prevails in this group, not strong enough to negate the desire to vote, but diminishing the motivation to register. To put it another way, for this group of potential voters, any inconvenience can be a major stumbling block.

Richard M. Scammon, a former director of the census and one of the nation's foremost political observers, has said the single biggest step we could take to improve voter turnout would be to abolish registration as such.

And one state gets along nicely with no registration whatsoever. In North Dakota, the voter simply walks into the polling place and asks for a ballot. Signing the book provides the affidavit that the voter is legitimate.

Short of abolishing registration, the nation could at least look to easing some of the obstructions to registration.

The American ideal says that everyone has a right to cast a ballot; but the barriers that have been placed in the voter's way through the years indicate that some political leaders believe voting is a privilege, not a right.

Registration laws have been used to prevent and control people in the exercise of their right to vote. A prime example of controlling a segment of the popula-

RICHARD E. MURPHY is the legislative/COPE director of the Service Employees International Union.

tion were the poll taxes used by southern states to limit the registration of blacks. But even with the poll tax and other devices repealed, a wide variety of practices and barriers exist that are the equivalent of poll taxes—the restrictions and regulations which discourage people, primarily blue-collar workers, from registering.

When registration is limited to a central point, like the City Hall or a courthouse, between the hours of 9 a.m. and 4:30 p.m. Monday through Friday, the ordinary working people must take time off from work, possibly without pay, and encounter other expenses in getting registered.

Union contracts often provide reasonable time off to vote in general elections, but very few provide time off for registration, so having to take time off from work without pay is still a major impediment to voter registration.

There are 40 million men and women in the United States who cannot vote because they are not registered. In the 1974 elections, 38 percent of the U.S. eligible voters actually voted. National figures show that approximately 62 percent of the eligible voters are registered to vote, so the obvious conclusion is that in order to increase the number of voters, there must be an increase in the number registered.

Voter registration by mail would go a long way toward solving this problem. States that have adopted such a mail registration system have experienced a dramatic increase in registration.

But there is strong opposition to registration by mail and despite liberal support, Congress has been unable to pass a national mail registration bill. Even in the 93rd Congress, reputed to be a liberal Congress, it took considerable effort to move the bill through the Senate and it died in the House, victim of a 204-197 vote in which conservatives managed a parliamentary maneuver to block routine consideration of the rule under which the bill would be debated. And it passed the Senate only after a filibuster was broken on the third try—a monumental event in itself, since it was the first time since 1917 that a filibuster had been broken after two unsuccessful tries.

Ironically, Congress has already passed one register-by-mail bill, for our men and women in the armed services. So the principle of mail registration has been agreed to by Congress.

A national mail registration bill has been re-introduced in the 94th Congress and proponents have hopes of success. It is pending a final committee vote in both the House and Senate—so final action in both houses could come by the end of summer 1975.

Meanwhile, several states have taken the lead in trying to make registration systems equitable. They have provided mobile registration, door-to-door registration and several other methods. And Maryland, Texas, New Jersey, Minnesota, Kentucky, Utah, Montana, Alaska, and Idaho have adopted mail registration—in one form or another.

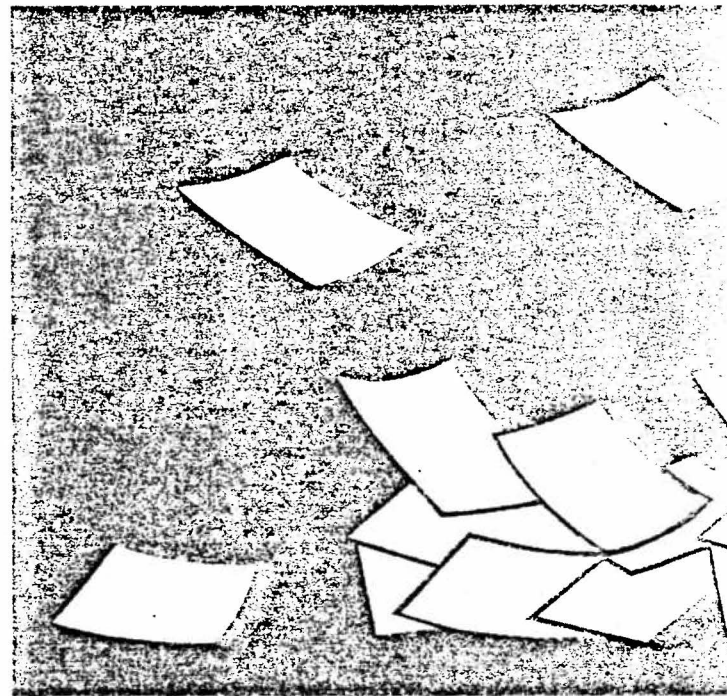
These states' experience proves that registration by

mail can produce the fullest possible citizen participation in the electoral process. Wider use of the method could open the door for those 40 million new voters who have never expressed themselves at the polls—undoubtedly for many reasons. Voter apathy does play a part. But the most important reason is that registration has been difficult and inconvenient—made so, perhaps unknowingly, by state governments.

In New Jersey, it was estimated that as many as 1.6 million eligible citizens were not registered to vote. A few months after the state's new registration by mail law was enacted, Gov. Brendan Byrne termed the new postcard registration system a success. He said a preliminary survey showed that two of every three new voters preferred using the mail forms rather than in-person registration. Between the start of the mail registration program on Aug. 28 and the Nov. 5 election day, 120,888 persons enrolled to vote—78,000 of them via the postcard system and less than 43,000 by showing up in front of a registrar. In reporting that "postcard registration more than doubled new registrations this year," Gov. Byrne pointed out that traditionally voter registration sharply decreases between presidential elections. Thus he said preliminary figures indicated that postcard registration would help stabilize the voter rolls in New Jersey between presidential elections. And New Jersey, which has already restored the voting franchise for 120,000 people, can expect the total to increase as more people become aware of the new registration procedure and more registration forms are circulated.

The postcard registration system also helped New Jersey turn out a higher percentage of voters in 1974 than in the 1973 gubernatorial election.

A key factor to the success of the New Jersey program was a 50-cent rebate the state pays to the



county for each voter added to the registration rolls. Additionally, the state pays 12 cents return postage on the mail registration forms. The success of the postcard registration system has enabled the state to reduce the number of mandated registration hours, which resulted in a payroll savings of \$250,000 for the counties and municipalities of New Jersey. The easy availability of postcard forms alleviated the necessity for New Jersey communities to keep their offices open for evening registration as was previously required by law. This refutes the claim that the postcard registration system will increase the cost of registering voters. In New Jersey it actually reduced the cost. The national law would also provide comparable savings to states.

Like other states, New Jersey faced the charge that the new system increased the possibility of fraud. At the request of Byrne, the Secretary of State's office conducted a random survey on this issue. In nine counties checked, there was no violation, and all samplings appeared to be in order. In fact the Secretary of State said there are more safeguards against fraud in mail registration than in in-person registration.

The Secretary of State of Minnesota recently testified before a House committee that in the first state elections held under that state's new registration law, the voter turnout was up; 49.85 percent of the eligible voters in Minnesota voted, while only 38 percent of those eligible voted nationwide. Minnesota has 76.9 percent of its eligible voters registered, which means that two-thirds of Minnesota's registered voters voted in the 1974 off-presidential year.

In 1971, Minneapolis used a prior registration system that required citizens to go to the City Hall to register. On a few occasions, branch registration offices were set up for short times at city libraries.

While Minnesota registrars and state officials are proclaiming the success of the new system, one of Minnesota's congressmen, Rep Bill Frenzel (D-Minn.), is a vocal opponent of national postcard registration. Frenzel is voicing the Republican policy on registration by mail; the Republicans are dead set against registration by mail.

Inevitably, Frenzel, like other opponents, mentions fraud. The fraud issue is a specious argument. After all, Americans pay income tax, property tax and many bills through the mails. The mail is a vital aspect of U.S. daily life. There's no reason the mail can't also be trusted for voter registration.

Officials in Minnesota who administer the law have been informed about its provisions by the Secretary of State's office and use a uniform postcard designed under guidelines from the Secretary of State.

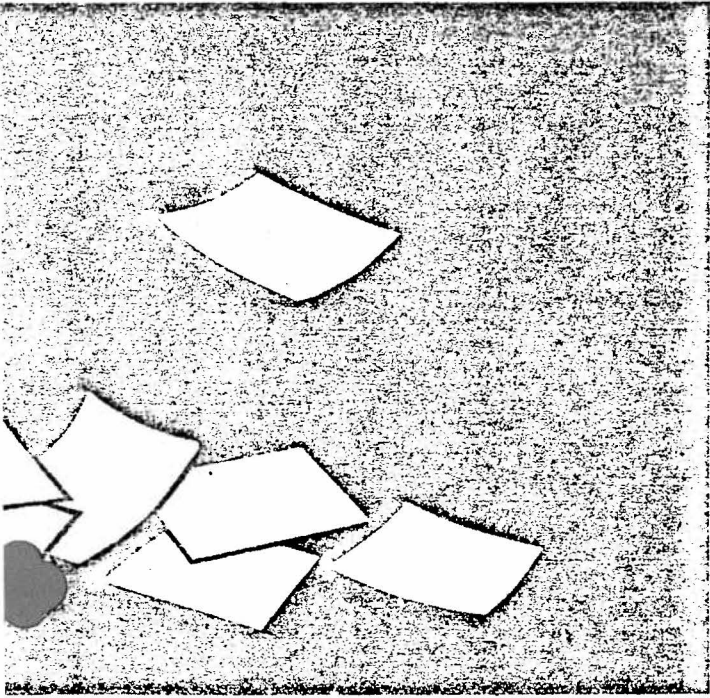
Marie Garber, registrar for Montgomery County in Maryland, which also has a postcard registration system, points out that the United States has experience in registration by mail. Americans have registered by mail on the Federal Post Card Application (FPAC) since 1955, and there has been no charge of fraud against the many thousands of Americans, mostly the Armed Forces and their families, who have enrolled as voters by the familiar red-and-white postcards.

Similarly, the U.S. has had absentee voting since 1944, and many absentee voters are also absentee registrants, which means registration by mail. In fact, the Federal Voting Rights Amendments Act of 1970 requires that a state provide absentee registration, as well as absentee voting, at least in elections for President.

The Supreme Court, in its review of the Voting Rights Amendments law, was unanimous in upholding the constitutionality of that particular provision. There has been no charge or evidence of fraud in these registrations by mail.

Under the Maryland law, the voters' notifications of registration must be mailed to them by non-forwardable mail. Thus Marie Garber points out that a fictitious address will be undeliverable and will be returned to the elections office. The application also bears a signature under oath, which carries the penalties of perjury and provides a documentary basis for investigation and prosecution if indicated.

The traditional system of voter registration, on the other hand, usually is completed with a personal appearance before the registrar and there is no automatic check of authenticity of the address. Besides those protections against fraud which are peculiar to mail registration, states and their elections officials will continue to use the safeguards they have been using to protect the integrity of the electoral process. It is in the voting process that fraud takes place, not in the registration. If a person does register on several postcards, it does not mean that he is able to vote several times. He cannot appear at the same polling place to vote a second or a third time. Experienced



election officials have for many years exercised vigilance to prevent election corruption.

The Maryland experience shows that the postcard registration system will expand participation. Like New Jersey, Maryland has also found that the new system cut the cost of registration as well.

Experience also shows that the postcard registration system enables officials to cope with the enormous workload that builds up as registration deadlines approach. No matter what the process, many people wait until the last minute to take any required action. Registration by mail has become a useful tool to enable citizens to register ahead of deadlines.

Maryland has also found that it was not cluttered with duplicate registrations. Of the 29,000 new registrations from Jan. 1 thru Dec. 21, 1974, in Montgomery County, only about 300 were duplicates and easily identified as such. That rate was no higher than they had in the in-person registration system. Some people will always register just to be sure, or because they don't realize that they are already registered. Illegibility did not play a significant role in the processing of applications. In Maryland, registrars were able to read every single one of them.

Maryland's mail registration system has fraud protections that were never in existence under the previous system. Maryland has the same notification by first-class, non-forwardable mail to complete the registration as in New Jersey and Minnesota and this provides an immediate check on a fictitious address, and to some extent, on a fictitious name. The second fraud protection in Maryland is that the new registrant must provide information on any prior registration, whether in Montgomery County, somewhere else in the state, or in another of the 50 states. If prior registration is indicated, that part of the application is forwarded through the Maryland State Board to registration authorities in the former residence, where it constitutes specific authorization for cancellation.

Sen. Lloyd M. Bentsen (D-Tex.) said in a letter to his colleagues in January 1974 that Texas voters could register by merely clipping a coupon from a newspaper, completing the form and mailing it to the county clerk. There was no evidence indicated in Texas that they had experienced any increase in fraudulent registration. Randall Wood of the Texas Secretary of State's office testified before a Senate Committee hearing on this in 1973 that: "Texas has had experience from 1941 to 1971 with registration by mail systems, and the old bugaboo of fraud simply could not be raised in Texas very well, because the experience over those 30 years has generally disproved that registration by mail was any more susceptible to fraud than any other registration system." It has been noted that since Texas began its mail registration procedure, the registration has jumped from 3 million to 5 million voters.

In sum, fraud is an exaggerated, if not invalid, objection to registration by mail.

Another objection—that of administrative difficul-

ties—has been used to try to persuade congressmen and senators to vote against postcard registration. The states with experience with postcard registration have found that these difficulties simply do not occur. Thousands upon thousands of applications under the mail registration have been handled in an orderly process without incident. The registration process is in fact streamlined because it enables workers in registration offices to handle the burden more easily. In both Maryland and Minnesota, election officials planned and designed systems to obviate administrative problems.

A veteran congressman from Pennsylvania may have tapped a more pertinent objection of lawmakers to mail registration when he said, "Do you think that I don't know what will happen to my constituency if the postcard registration bill is passed? There'll be a whole new group of voters that will be able to vote for or against me. I've been in office many years, and although I fear that the new voters might even turn against me, I am willing to open up the registration process." Obviously not all incumbents are willing to take that chance.

A letter mailed to all Republican congressmen by Republican National Committee Chairman George Bush in February 1974 said: "I am greatly disturbed that in a currently highly charged political climate, a piece of legislation that can do more damage to our Republican Party and our precious two-party system than any element of the Watergate problem, is dangerously close to passing in the House.

"As you no doubt are aware, HR3053 has been reported out of the House Administration Committee and will likely be on the floor soon. As you know, as well, a similar bill, S352, passed the Senate last year.

"The proponents of this legislation—it is strongly supported for obvious reasons by organized labor political committees—argue that it would increase the number of eligible voters who actually register and go to the polls on election day."

Bush is right. Labor political committees are interested in this legislation because union members would become more heavily registered and would vote more heavily—hopefully producing more liberal congressmen and senators or a President who would understand the needs and hopes of workers.

The national system that is envisioned is dependent upon each state in the United States. The postcard itself that will be used must reflect the requirements that each state has for registration in its state.

In recent years, some giant steps have been taken toward opening the polls to more people, including the right of 18-year-olds to vote under the 26th Amendment, the protections of the Voting Rights Act of 1965 and various court decisions.

But millions of people are still disenfranchised.

While the mail registration will not guarantee that people will turn out to vote, it will at least insure that they are able to vote—paving the way for 40 million disenfranchised Americans to begin to participate in the electoral process.

Voter registration by mail:

Will it fatten voter rolls?

Supporters of postcard voter registration include two newly elected Secretaries of State.

Postcard registration has worked well in Minnesota, Minnesota Secretary of State Joan A. Grove testified to a congressional hearing. Registration by mail and registration on election day were adopted by the 1973 Minnesota Legislature when it decided to switch to statewide voter registration. Previously, registration was only required in communities of 10,000 population or more.

Three fourths of those eligible registered to vote under the 1973 law and two thirds of these went to the polls in November 1974. Secretary Grove said there have been no known instances of willful fraud using postcard registration.

Secretary Grove said more States would be likely to adopt postcard registration due to the financial aid authorized by H.R. 1686 for States which choose to allow mail registration on a state level. The federal bill also authorizes funds for federal postcard registration.

Postcard registration would reduce "administrative roadblocks" to voter registration, California Secretary of State March Fong Eu said in urging passage of federal postcard registration. She also endorsed a bill to allow California mail registration and said "chaos" would result if the State didn't conform to the federal method. Secretary Eu said mail registration would cut nearly in half the \$13 to \$20 million registration costs annually in California.

Or cause chaos?

Opposition to federal postcard voter registration was reaffirmed by the executive and elections committees of the National Association of Secretaries of State (NASS) at an April meeting held in Lexington, Kentucky.

The committees noted quick action was necessary because congressional hearings were being held in April and May on S. 1177 and H.R. 1686. Similar bills were defeated in Congress last year after protests from election administrators.

Postcards used for federal registration would be complex and confusing and for that reason States would still choose to retain their own systems for local and state elections, the NASS committees declared in a resolution sent to Congress.

Under such dual registration systems, voters registered to vote in federal elections would not be registered for state and local elections, Missouri Secretary of State James C. Kirkpatrick declared. Many voters would mistakenly think they were registered both state and federally and be disenfranchised for certain elections.

Commenting that 17 percent of all Missourians were without phones or had unlisted numbers, Secretary



Secretaries of State James C. Kirkpatrick of Missouri (left) and Joe C. Carr of Tennessee confer at Lexington meeting.

ary Kirkpatrick said it would be difficult to contact persons whose postcard registrations were illegible or incomplete. He noted the cost of the federal registration has been estimated at \$50 million and up and suggested instead that federal block grants be given for voter registration programs such as door-to-door registration. Deterrents to registration should also be removed, he said, commenting that some people fail to register because voter lists are used for jury duty and by credit associations.

Disagreement with door-to-door registration was expressed by Ohio Secretary of State Ted W. Brown who said it would "destroy the Republican party in Ohio because only labor union workers would go house-to-house." He said a bill for house-to-house registration passed in the last days of the administration of former-Governor John Gilligan is now before the courts because of the procedure used in enacting it.

Opposition to house-to-house registration was also voiced by Louisiana Secretary of State Wade O. Martin, Jr., who said in an interview with *State Government News* that it would invite registration drives in selective areas most likely to favor one political party over the other. Because such "selective registration is not in the public interest," registrars would have to canvass every house and office building and registration would become quite expensive.

A program for increasing registration was proposed by Secretary Martin for NASS and the April Louisiana legislative session. He suggested an increased registrar staff, deputy volunteer registrars, outreach programs such as longer hours and branch registration locations, mail registration for the handicapped or those absent for job or health reasons, computer facilities for voter rolls, voter education, and permanent registration combined with periodic canvassing and purging. He also called for creation of a national association to assist in increased registration.

Concern with getting those people who are registered to vote to go to the polls was expressed by Nebraska Secretary of State Allen J. Beermann in an interview with *State Government News*. Only about 460,000 of 1,000,000 registered voted in the 1974 gubernatorial election, Secretary Beermann said, although polling hours are from 7 a.m. to 7 p.m. and most voters live within three miles of a polling place.

A reason for low voter participation could be because people are satisfied with the current crop of state legislators and officials, Secretary Beermann theorized.

PAY TOILETS TARGETS OF STATE LAWS

A campaign against the pay toilet and its requirement for exact change is under way in some 20 State Legislatures.

Bills to ban pay toilets in public places or at least mandate free toilets are receiving the strongest support from women's groups.

A 1975 Maryland law prohibits coin-operated pay toilets in buildings required by law to have toilets. Coin-free toilets were also available. Similar laws passed in California and Florida in 1974.

The Iowa House voted to outlaw pay toilets in public buildings. A bill requiring at least half of all toilets in a public place to be free is being considered by the Minnesota Legislature. Oregon is also considering a pay toilet bill. An Ohio Senate committee opened hearings on a bill to require free toilets in all buildings having pay toilets.

Opposition to the Ohio bill was voiced by the Nik-O-Lok Co. of Indianapolis which manufactures and services the locks used on pay toilets. The Nik-O-Lok Co. has some 10,000 accounts nationwide and gets two cents of every dime paid for use of the toilets. Martin Miller, Nik-O-Lok's vice president, says his company asks customers to keep a percentage of the toilets free. He says the locked toilets help reduce vandalism and help assure cleaner toilets.

A bill to make pay toilets illegal was introduced in the Texas Legislature by Representative John Hittmire, who says most of his mail favoring the measure comes

from women and adds that pay toilets are "much more discriminatory against women."

AGE OF MAJORITY BIAS VOIDED IN UTAH

A Utah law which set the age of majority for females at 18 and for males at 21 was voided by the

U.S. Supreme Court April 15 as a violation of the equal protection clause of the U.S. Constitution. The decision came on the claim of a divorced father that he did not need to provide child support for his daughter because she was a legal adult. Arkansas is the only other State with different ages of majority for males and females.

JURY DUTY DETERS VOTERS

People fail to register to vote as a means of avoiding jury duty, the Florida Election Review Commission reported recently. The commission recommended legislation to separate the two processes. It also proposed traveling "registration-mobiles" and allowing voter registration by mail.

WOMEN MAY KEEP MAIDEN NAMES

Women may keep their maiden names, courts in New Jersey and Tennessee ruled in April.

Married and divorced women, including those with children, have the right to resume using their maiden names, a New Jersey appeals court declared April 2.

Women do not have to take their husband's name when they marry, the Tennessee Supreme Court ruled. The Court's opinion further stated that with the high rate of divorce and remarriage, name changes might have to be forbidden to "preserve the identity of women who acquire a different name from each successive husband."

MALE, FEMALE ADS ILLEGAL

Separate male and female classified job ads in newspapers are discriminatory, the Connecticut Supreme Court ruled March 25. The Court said the ads violated the state fair employment practices act.

GIRLS ALLOWED IN PREP ATHLETICS

Girls must be allowed to compete with boys in interscholastic athletics, including contact sports such as football, Pennsylvania's Commonwealth Court ruled March 19. A state athletic association rule prohibiting co-ed competition was ruled in violation of the state equal rights amendment.

DEFEATS KILL CHANCES FOR ERA PASSAGE IN 1975

Defeats in the Florida, North Carolina and South Carolina legislative sessions killed chances for passage of the Equal Rights Amendment (ERA) to the U.S. Constitution in 1975. The South Carolina House voted to table ERA for this year, the North Carolina House rejected the ERA on a 62-57 vote, and the Florida Senate turned it down. The measure is still being considered this year in Missouri and Illinois. The amendment needs approval by four more States by 1979.

OUTLINE OF UNIVERSAL VOTER REGISTRATION PROPOSAL

Require that voters in federal elections be permitted to register on election day at the polling place

Provide safeguards against fraudulent and erroneous registration

- requiring each voter to prove his identity and place of residence by showing approved form of identification before registering at the polls
- require each such voter to sign an affidavit listing the state's voter qualifications and swearing, under criminal penalties, that he is qualified
- establishing a federal felony, with a penalty of a \$5,000 fine or 5 years imprisonment, or both, for false registration or voting or conspiring with others to do so
- providing federal authority to seek injunctive relief to stop patterns of fraud
- leaving fully effective all state laws on election violations

Provide substantial federal financial assistance to states and local governments to offset the costs of election day registration and to generally modernize, with broad discretion, the administration of elections and voter registration

Base the financial assistance formula partly on population and partly on voter turnout in each state.

partly on voter turnout in each state

Provide a financial incentive for states to permit election day registration in state and local elections

Allow states to continue to set voter qualifications

Require states to submit plans to the Federal Election Commission describing how they intend to use the financial assistance, what kinds of identification they will use at the polling place, and what administrative steps they will take to carry out the election day registration requirement.

WASHOE COUNTY

"To Protect and To Serve"



REGISTRAR OF VOTERS
ANN ROLLINS, Registrar

WASHOE COUNTY COURTHOUSE
POST OFFICE BOX 11130
RENO, NEVADA 89510
PHONE: (702) 785-4194

February 25, 1977

Mr. Lloyd W. Mann, Chairman
Assembly Committee on Elections
Legislative Building
Carson City, Nevada 89710

Dear Mr. Mann:

I wish to go on record in my capacity as Registrar of Voters of Washoe County, Nevada, as unalterably opposed to the passage of Assembly Bill 313 which proposes to amend the state election laws by the institution of post-card registration procedures. I am sure you have been provided by the office of the Fiscal Analyst with figures indicating costs which would be incurred not only to Washoe County but to the entire state in the event of the passage of this bill. Because of the vagueness of the bill's contents and its lack of direction in some areas, it is difficult accurately to predict what the initial costs of the program would be. As one example, the bill does not indicate whether all current registrations are to be cancelled and voters re-registered under the postcard system, but in the event this were not done the task of recordkeeping in a changeover system would be unwieldy and monumental. Because of the mechanical difficulties involved in such a changeover, it would appear to me that a mass cancellation would be most desirable.

To cite one more of many difficulties inherent in the bill, section 27 provides that each county clerk shall cause each precinct in his county to be canvassed prior to any primary election by a deputy registrar who shall be compensated at a specified rate. The estimated cost of such an initial canvass in Washoe County alone is \$16,425 (which I believe to be a conservative estimate), with succeeding costs of about \$6,500 for each subsequent canvass.

Russ McDonald, who represents Washoe County at the 1977 Legislature, is in possession of detailed estimated cost figures and general information concerning objections to this bill.

Mr. Lloyd W. Mann, Chairman
Assembly Committee on Elections
February 25, 1977
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Aside from specific mechanical and technical difficulties with the bill, my personal philosophy is that, unless something material can be accomplished to justify the expenditure of time and money which would be required as a result of this bill's passage, no valid purpose would be served by its enactment. While it is recognized that certain groups are interested in drumming up voter participation, regardless of the quality of the individual voter, in order to further special interests, the actual results of such procedures in other states on the average have not appeared to show that voter participation is materially increased by the use of the postcard system. Convenient registration does not guarantee that a voter will actually appear at the polls and cast his vote, and I strongly believe that the only way to persuade the thinking voter to exercise his franchise and participate in his government is by extensive public education. Public moneys would be far better used in furthering comprehensive unbiased information programs directed at explaining the system and imbuing our young people with the desire to become active and responsible citizens.

If the Committee requires my presence in any discussion or amendment procedures, or if I can be of assistance in any way, I offer my services.

Sincerely yours,



(Mrs.) Ann Rollins
Registrar of Voters

AR:rp

cc: Members of the
Assembly Committee on Elections:
Assemblyman Nash M. Sena
Assemblyman Lonie Chaney
Assemblyman Dale Goodman
Assemblyman Nicholas J. Horn
Assemblyman James N. Kosinski
Assemblyman Sue Wagner

✓ Russell W. McDonald, Special Assistant
to the Board of County Commissioners
of Washoe County

STATE OF NEVADA
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March 16, 1977

Assemblyman Lloyd Mann
Chairman of the Committee on Elections

Dear Mr. Mann:

You have asked whether S.B. 37 can be amended to specify that only population as determined by the most recent decennial census may be considered in setting up county commissioner districts. In a normal situation, which would be redistricting after a census, this would be constitutional and appropriate.

In the immediate situation confronting Clark County in districting for the 1978 general election, it would not be constitutional, for the supreme court held in County of Clark v. City of Las Vegas, 92 Nev. Adv. Opn. 104 (1976), held that more recent reliable figures must be used if available. Such an amendment, if made, would have to be worded so as to apply only after the Clark County emergency is past. It would then have the practical effect of barring redistricting except when census figures are fresh.

Very truly yours,

Handwritten signature of Frank W. Daykin in cursive script.
FRANK W. DAYKIN
Legislative Counsel

FWD:iw

County of Clark v. City of Las Vegas 7

offered or can be perceived. See *Groh v. Egan*, 526 P.2d 863 (Alaska 1974); *Calderon v. City of Los Angeles*, 481 P.2d 489 (Cal. 1971). Thus, we hold that it was constitutionally impermissible to base an initial apportionment for the new commissioner districts on admittedly outdated and inaccurate population estimates, when more recent and accurate estimates were just as readily available. See *Silver v. Reagan*, cited above; see also, *Avery v. Midland County*, 390 U.S. 474 (1968); *Reynolds v. Sims*, 377 U.S. 533 (1964).

2. Also, as the district court saw, the fact that Section 163 would create the new "county-city commissioner" districts through reference to existing assembly districts, rather than conforming such districts to the Las Vegas city limits, offends the "one man, one vote" concept in yet other ways.⁸ Notably, more than 12,500 residents of the City of Las Vegas residing in proposed districts E and F would be voting merely for a "county commissioner" rather than a "county-city commissioner." In other words, these Las Vegas residents would be totally divested of any voting franchise whatever, as to selection of the "county-city commissioners" who would ostensibly represent them in municipal affairs. Moreover, more than 7,500 persons who are not Las Vegas residents, but who live in Districts A, B or C, would vote for a "county-city commissioner," rather than for a mere "county commissioner."⁹ Thus, the votes of over 7,500 non-residents would dilute the voting franchise of those Las Vegas residents who were not totally divested of all elective privileges as to city representatives.

In our view, as the United States District Court for the District of Nevada has heretofore declared:

"Where votes of citizens are 'watered-down' solely because

⁸As hereinafter discussed in Point IV of this opinion, we also believe Chapter 648 offends the "one man, one vote" concept in still another, somewhat less obvious, but equally unacceptable way not noticed by the district court.

⁹According to the Clark County Regional Planning Council's population estimates, 1,431 of these favored non-residents of Las Vegas reside in North Las Vegas. Thus, they would not only be allowed to vote for a "county-city commissioner," with a voice in Las Vegas city affairs, but also could participate in elections held for the North Las Vegas city council. Also among the 7,500-plus non-residents who would vote for Las Vegas county-city commissioners, while 9,500-plus Las Vegas residents could not do so, would be some 2,000-plus persons in such distant communities as Indian Springs, Mount Charleston, Blue Diamond, Red Rock, and Mountain Springs.

Indeed, the Regional Planning Council's figures reflect that six of the eight Las Vegas "county-city commissioners" could themselves be non-residents of Las Vegas, residing either in uniquely favored portions of North Las Vegas, or in unincorporated areas of Clark County as much as 45 miles away.