

ASSEMBLY ELECTIONS COMMITTEE MINUTES
MARCH 30, 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 PRESENT: Tom Moore, Clark County
Bart Jacka, Las Vegas Metropolitan Police
Janet MacEachern, Clark County Democratic
Central Committee
Jean M. Dieleman, Las Vegas
Vaughn Smith, Carson City Clerk
Marion Bennett, Assemblyman
Bob Bailey

A quorum being present, Assemblyman Mann called the meeting to order. The purpose of the hearing to take testimony on AB 333.

AB 333, Increases distance certain activities must be conducted from polling place during elections.

Assemblyman Chaney, sponsor of the bill, stated that the reason for his interest in this bill was due to action that occurred during the last election. He stated that an arrest had been made on election day due to some people campaigning at the polls had violated the law by standing too close to the polling place. This problem seems to be getting more prevalent at each election, with people getting more involved in the campaign; trying to help their candidate. Hopefully this bill will discourage these people from standing outside the polls on election day. Mr. Chaney stated that he feels that a candidate has to campaign over a period of time and if he has not made his views known it is too late. He added that he did feel that this was primarily a problem within the black community.

Mr. Chaney stated that there had been some problems with the original bill and so he had an amendment drafted. This amendment is no. 562A and is herewith attached to these minutes as Exhibit A and herewith made a part of this record.

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Mr. Chaney also gave the committee a list of other state laws dealing with this subject. This list is attached to these minutes as Exhibit B and herewith made a part of this record. He added that he would really like to see Nevada go the same way as North Dakota, which prohibits all electioneering everywhere on election day.

Mrs. Wagner stated that she did not feel that there was any problem like this in Washoe County and she wondered if regardless of the number of feet, it would not preclude violations from occurring. Mr. Chaney stated that at the present time it was very easy to violate it, in that at most polling places this 100 feet would include the driveways that people come in. However, if this would be 500 it would have to be a great distance from the polling place and it would almost be useless to be there.

Mr. Mann stated that the basic problem has been people hiring people on election day to hand out literature at the polls. This is basically being done in Clark County. Mr. Mann stated that the problem he has with the bill is that most of the polling places are in schools. Mr. Mann used the example of Hyde Park School and stated that when you are talking about 500 feet from the front door there is a question of whether that distance begins at the front entrance which is merely an archway into a quad area or at the entrance to the polling place within the quad area.

Bart Jacka, Assistant Sheriff, Las Vegas Metropolitan Police Department, stated they were not as much concerned about the footage problem but with the definition in the present law under NRS 293.592, where it talked about 100 feet from the entrance from a public thoroughfare. They have had the responsibility to police the precincts. They have had problems particularly in West Las Vegas but it is not uncommon to have them throughout the community. He stated that they had hoped that this bill would eliminate the question of where the polling place is. They were originally proposing that language be included to say the outside entrance to the building that contained the polling place.

Mr. Jacka stated that from a police standpoint he would think the North Dakota method would be a tremendous thing as they spend several thousands of dollars to police these precincts. At this point Mr. Jacka presented some examples of the layouts of various buildings and schools used for polling places. These are attached as Exhibit C and herewith made a part of this record.

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It was suggested that perhaps they should go with the North Dakota plan. A discussion ensued regarding this and it was determined that this type of legislation would probably not have much chance of being passed. Mr. Chaney agreed that he would like to see the North Dakota plan adopted but that he did not feel that it would stand a chance.

Mr. Mann stated that he would like to see them kept out of parking lots at these schools as well. He inquired why there could not be some type of language adopted that would keep electioneering from the building or on any of the property connected to the polling place.

Mr. Jacka inquired how property would be defined as in the case of the convention center, the county does not own all the property that most people feel they do around the center.

Assemblyman Bennett stated that the committee needed to be realistic and that this bill would be a foot in the door and help to get rid of some of the congestion that now occurs. He stated that if these people were 500 feet away hopefully they would decide that it wasn't worth even being there. He stated that this would also help get rid of the present "rip-off" that is presently occurring. Many people running really feel that it is important to hire these people to hand out literature. This 500 feet is approximately a block and a half distance would be very discouraging to these people.

Mr. Goodman pointed out that from the list of 40 states that have some type of distance requirement the average was 160 feet which would mean that we are going for a distance far above the average. Mr. Chaney stated that perhaps the other states were experiencing none of this type of problem. He added that he had merely presented this material to show that other states do have distance requirements and cited of instances of Hawaii and Texas each of 1,000 feet.

Mr. Kosinski inquired about Mr. Jacka's opposition to the use of the term building. Mr. Jacka stated that he was not opposed to the use of the building but he would like to have some definite point to begin from. Mr. Kosinski stated that the easiest thing to use was the building. Mr. Jacka then inquired at what point on the building to you start from. Mr. Mann stated that would be anywhere around the building's circumference. Mr. Jacka inquired whether the convention center complex would be considered one building. Mr. Jacka stated that the only problem with 500 feet is that someone from the election department is going to have to go around and pre-mark 500 feet all around as opposed to a given entrance.

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Mr. Horn cited the problem that occurred during the last election when his opponent parked large vans just outside the limit. These vehicles were violating parking regulations and were continually being given parking tickets. He inquired if there was any type of enforcement of this type of thing. Mr. Jacka stated that they could tow them away but that they do have a hard time justifying this. They just keep hanging the tickets.

Mr. Kosinski inquired if this had ever been challenged in court. Mr. Jacka stated that they have made a number of arrests but he could not tell how many were convicted. He added that they try every means within their power to do everything but arrest. In the case cited, the man was asked to depart and refused. For all practical purposes he forced the police to arrest him.

Mr. Bob Bailey stated that he could see no problems as long as the language is specific where the measure starts. He agreed that 500 feet was sufficient.

Mr. Jacka added that the proposed amendment talks about eliminating the terminology "marked as such entrance". He stated that it might be better to leave this in.

Vaughn Smith, Carson City Clerk, stated that he was also speaking for the small county clerks. He stated that each one of these laws effect every county not just Clark. He stated that it is difficult to promulgate rules and regulations that fit everybody adequate. Registrar of Voters must be a little bit arbitrary on election day because they have all the problems in their lap at that moment and something has to be done. He added that he did not feel that this legislation was necessary because the 100 feet is working if they know from where to mark it.

Mr. Smith pointed out the expense that would be involved to enforce 500 feet as well as the difficulty in enforcing this large area. He stated that there would be a need for more policemen at the polling place.

Mr. Mann stated that he did not feel it would be that much of a problem and would not be difficult to enforce. Mr. Chaney stated that he felt that this would discourage people from coming out at all. He added that if the people are not near the polling place they would not be arrested. He felt this would be better for the sheriff's department. Mr. Chaney inquired how Mr. Smith would suggest they control this problem. Mr. Smith suggested that it be placed on the registrar of voter to enforce and to designate a starting point for measuring the footage.

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Mr. Goodman stated that he questioned whether the legislature should legislate for one isolated incident.

Mrs. Wagner wondered whether there was some way to leave the number of feet up to the local authority. Mr. Mann suggested that perhaps this could be limited to counties over 200,000 population. He stated that he would not be adverse to this. Mr. Kosinski stated that he did not feel they can do this in a criminal statute. It was determined that this was true.

Mr. Sena moved to "do pass as amended" with the amendment being NO. 562A but delete the words "of the front" and add "from any outside". Mr. Horn seconded the motion.

Mr. Goodman stated that he was concerned about the 500 because in some of the smaller communities this would take you outside the city limits.

The motion carried with Mr. Goodman and Mrs. Wagner voting against it.

As there was no further business to discuss, the meeting was adjourned.

Respectfully submitted,

Sandra Gagnier

Sandra Gagnier
Assembly Attache

Also attached to these minutes is the proposed bill as submitted by Mr. Chaney. This is attached as Exhibit D and herewith made a part of this record.

59TH NEVADA LEGISLATURE

ELECTIONS COMMITTEE
LEGISLATIVE ACTION

DATE March 30, 1977

SUBJECT AB 333, Increases distance certain activities must be conducted from polling place during elections.

MOTION: _____

Do Pass XX Amend XX Indefinitely Postpone Reconsider

Moved by Mr. Sena Seconded By Mr. Horn

AMENDMENT See attached minutes

Moved By _____ Seconded By _____

AMENDMENT _____

Moved By _____ Seconded By _____

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

TALLY: 5 2

Original Motion: Passed XX Defeated Withdrawn

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes March 30, 1977
Date

Adopted	<input type="checkbox"/>	Adopted	<input type="checkbox"/>
Lost	<input type="checkbox"/>	Lost	<input type="checkbox"/>
Date:		Date:	
Initial:		Initial:	
Concurred in	<input type="checkbox"/>	Concurred in	<input type="checkbox"/>
Not concurred in	<input type="checkbox"/>	Not concurred in	<input type="checkbox"/>
Date:		Date:	
Initial:		Initial:	

Bill / Joint Resolution No. 333 (BDR 24-044)
 Proposed by Committee on Elections

1977 Amendment No. 562 A

Replaces Amendment No. 558A.

Amend section 1, page 1, delete line 13 and insert:

"(E) Within [100 feet of] 500 feet ^{from any outside} ~~of the front entrance~~ ^{to} ~~of~~ the building in which the polling place [,] is located, ask another person for".

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

"293.592 [It] 1. Except as provided in subsection 2, it is unlawful within [100] 500 feet of the front entrance [from".

Form 1a (Amendment Blank) 3044A

Drafted by LP:ml Date 3-30-77.

To Bill (5) CF

Amendment No. 562A to Assembly Bill No. 333 (BDR 24-044) Page 2

Amend section 2, page 2, line 3, delete "entrance:" and insert:

"entrance:] of the building in which the polling place is located:"

Amend section 2, page 2, line 4, delete "1." and insert "[1.] (a)".

Amend section 2, page 2, line 5, delete "2." and insert "[2.] (b)".

Amend section 2, page 2, between lines 7 and 8 insert:

"2. A campaign sign or poster may be placed within 500 feet of the polling place, if the sign or poster is on land which is privately owned."

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



LEGISLATIVE COMMISSION (702) 885-5627

JAMES I. GIBSON, *Senator, Chairman*
Arthur J. Palmer, *Director, Secretary*

INTERIM FINANCE COMMITTEE (702) 885-56

DONALD R. MELLO, *Assemblyman, Chairman*
Ronald W. Sparks, *Senate Fiscal Analyst*
John F. Dolan, *Assembly Fiscal Analyst*

ARTHUR J. PALMER, *Director*
(702) 885-5627

FRANK W. DAYKIN, *Legislative Counsel* (702) 885-5627
EARL T. OLIVER, *Legislative Auditor* (702) 885-5620
ANDREW P. GROSE, *Research Director* (702) 885-5637

March 8, 1977

M E M O R A N D U M

TO: Assemblyman Lonie Chaney
FROM: Andrew P. Grose, ~~Research~~ Director
SUBJECT: A.B. 333

I have reviewed the election laws of 40 of the 49 other states. To get the rest would take a bit more time and I am assuming that 40 states gives you a more than adequate sampling.

Alaska.....	100 feet	Montana.....	200 feet
California.....	100	Nebraska.....	100
Colorado	100	New Hampshire.....	*
Connecticut.....	75	New Mexico.....	100
Delaware.....	50	North Carolina....	50
Florida.....	300	North Dakota.....	**
Georgia.....	50	Oklahoma.....	300
Hawaii.....	1,000	Oregon.....	50
Idaho.....	?	Pennsylvania.....	?
Illinois.....	100	Rhode Island.....	50
Indiana.....	50	South Carolina....	200
Iowa.....	300	South Dakota.....	100
Kansas.....	250	Tennessee.....	100
Kentucky.....	?	Texas.....	1,000
Louisiana.....	?	Virginia.....	40
Maine.....	250	Washington.....	100
Maryland.....	100	West Virginia.....	60
Massachusetts.....	50	Wisconsin.....	100
Michigan.....	100	Wyoming.....	300
Minnesota.....	100		
Missouri.....	100		

*New Hampshire law prohibits all electioneering "in the building" in which the polling place is located.

**North Dakota prohibits all electioneering everywhere on election day.

APG/jd

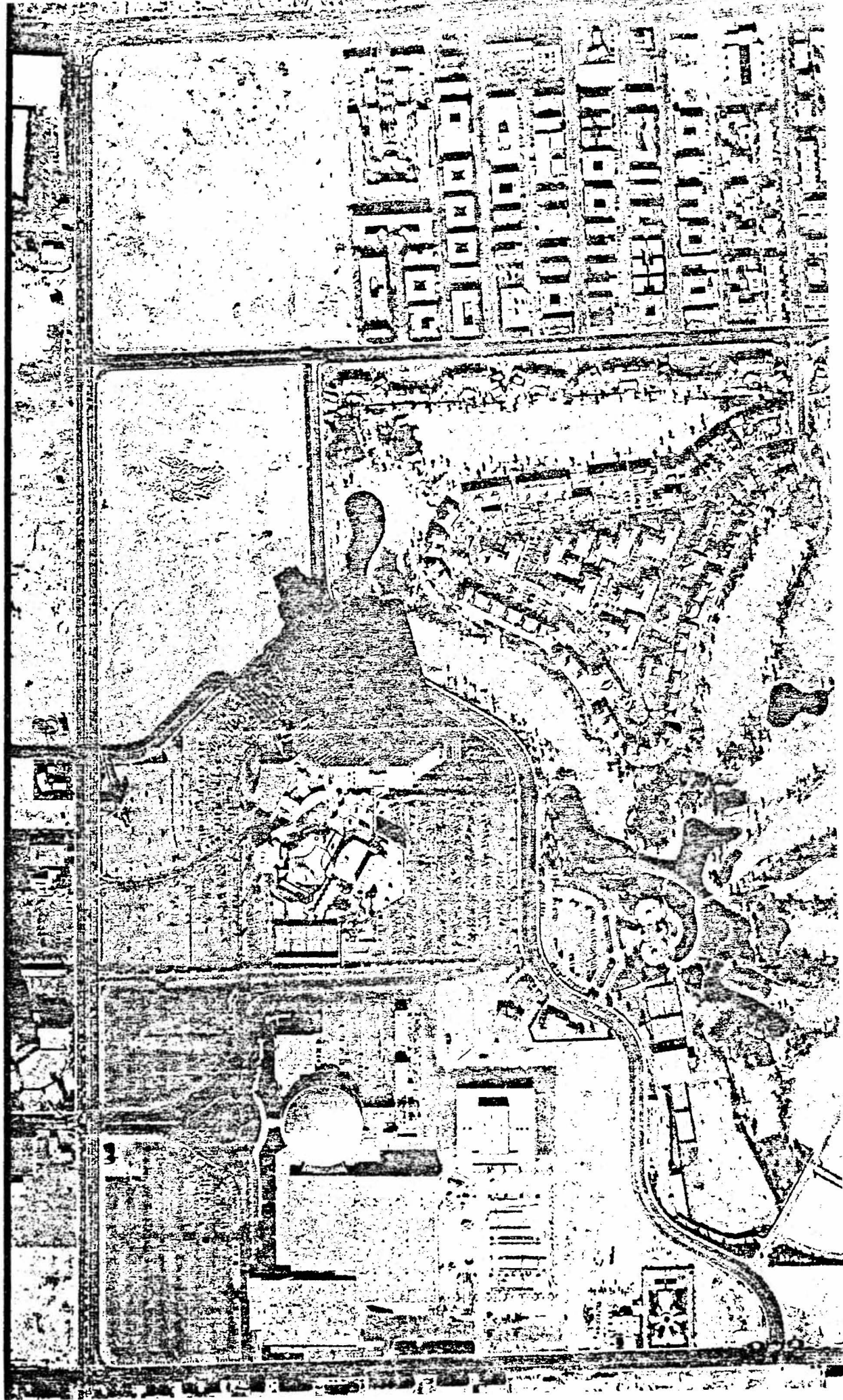
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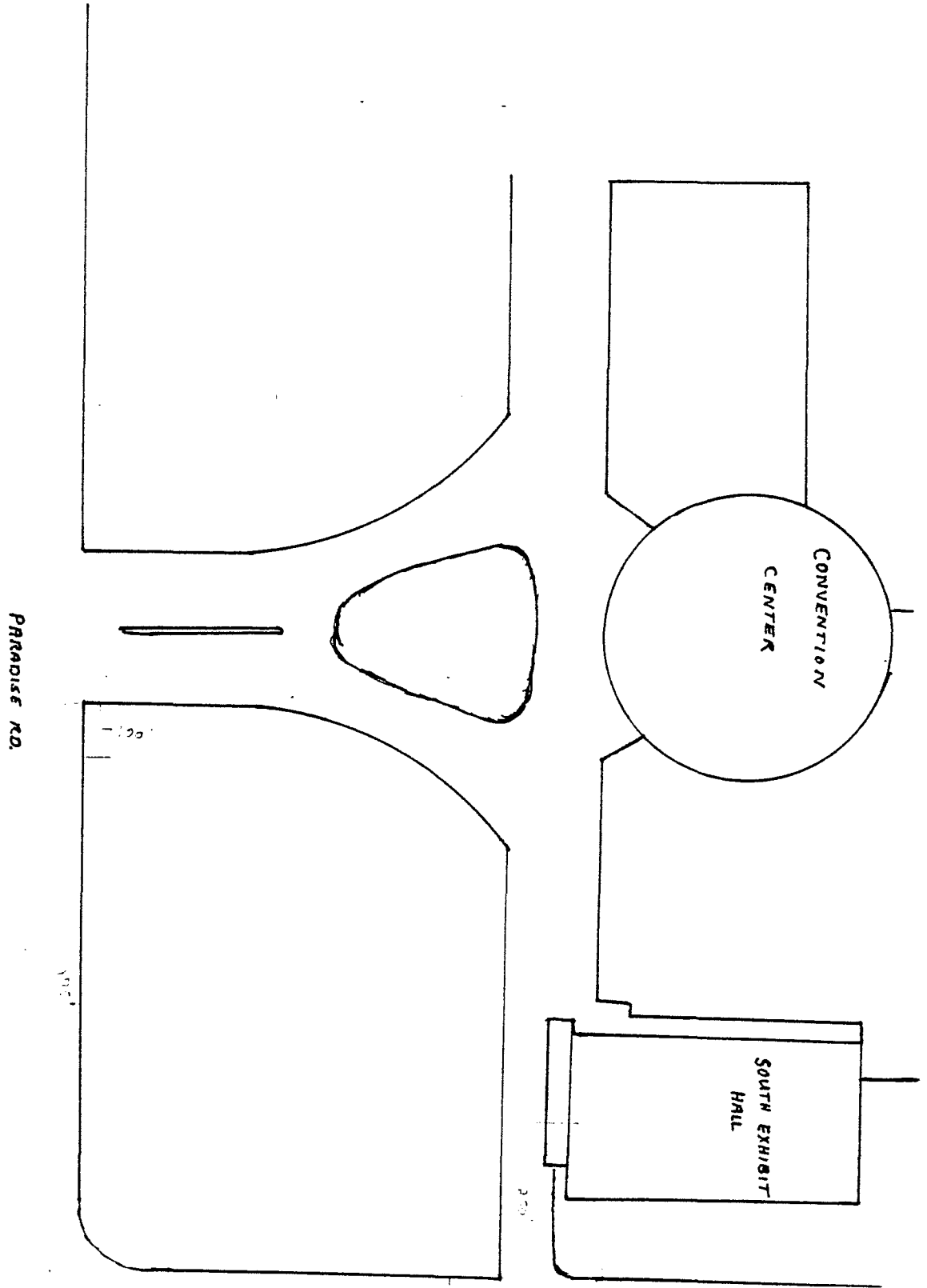
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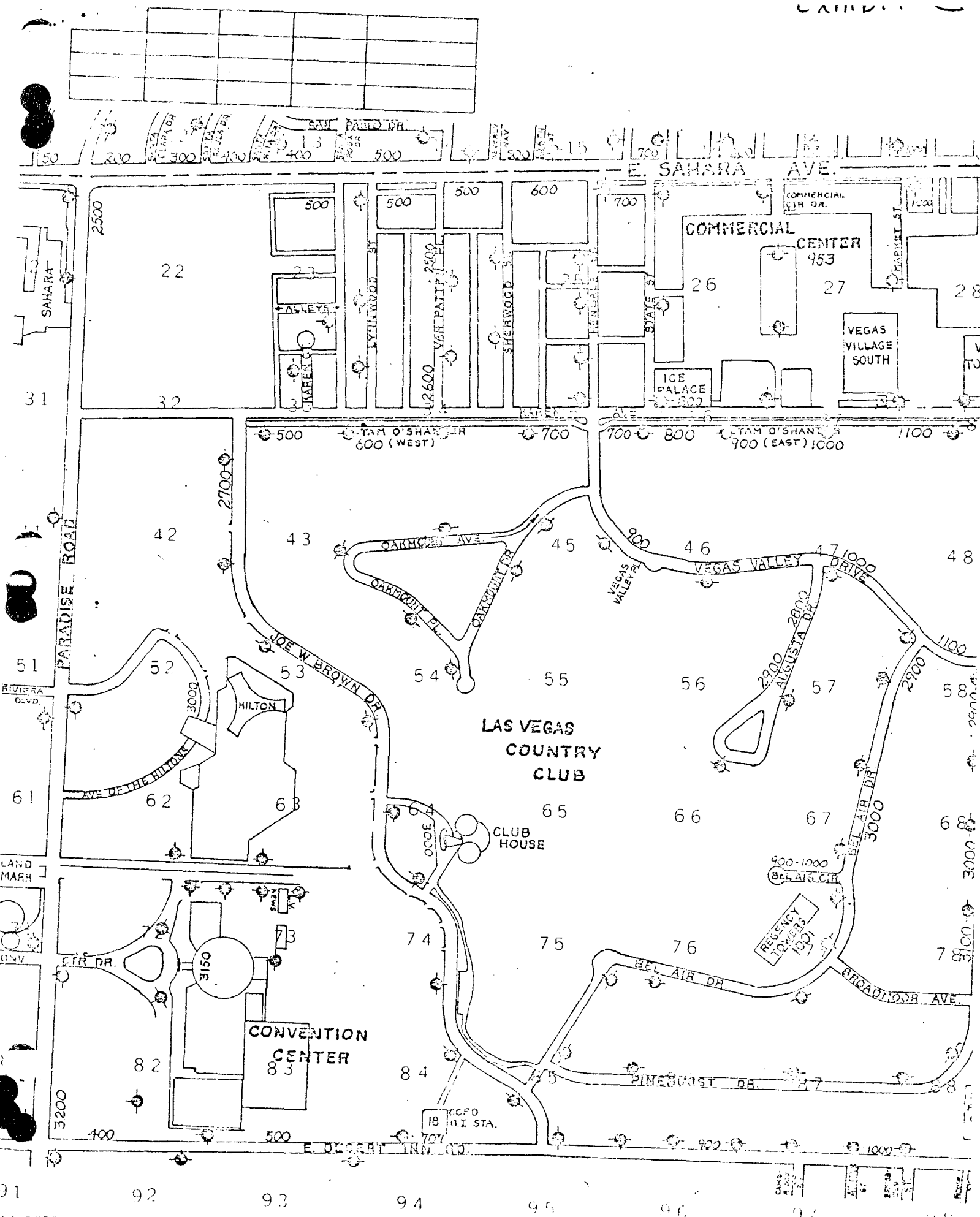
1" = 500'

PHOTO DATE

JAN. 1976

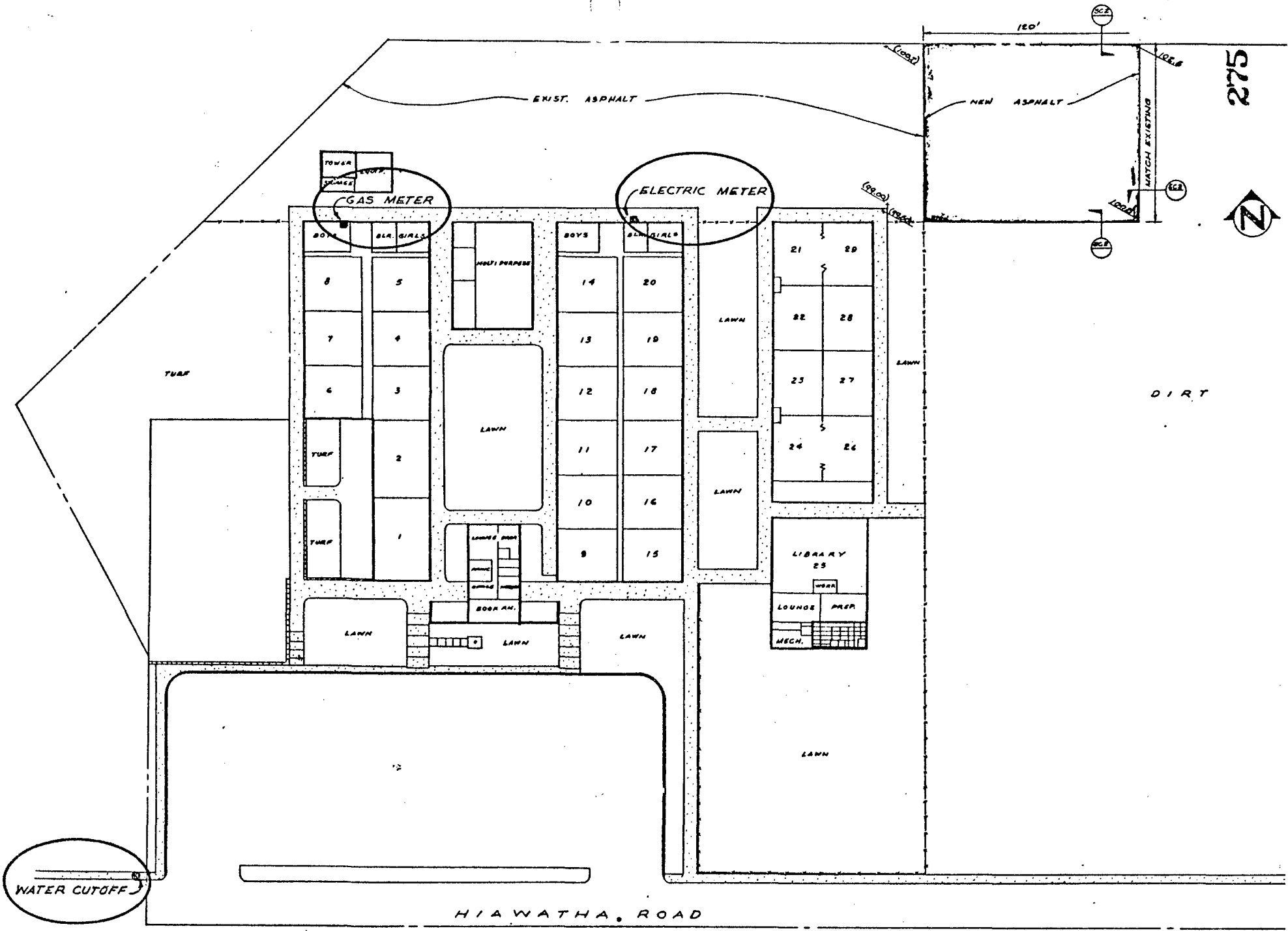






EAST

275



SITE PLAN
J. T. WILLIAMS

ATLANTIC STREET

WATER CUTOFF

CELLIUM

OFFICE

MULTI METER

5 GAS METER

6 ELECTRIC METER

TELEPHONE

DIRTY

42 CH. 6

LOUNGE	29	28
LOBBY	26	27
PATIO		

20	19	18	17	16	15	APPTS
9	10	11	12	13	14	Q/MS

1	2	3	4
5	6	7	8

CONCRETE GUTTER

17' GATE

18' GATE

15' GATE

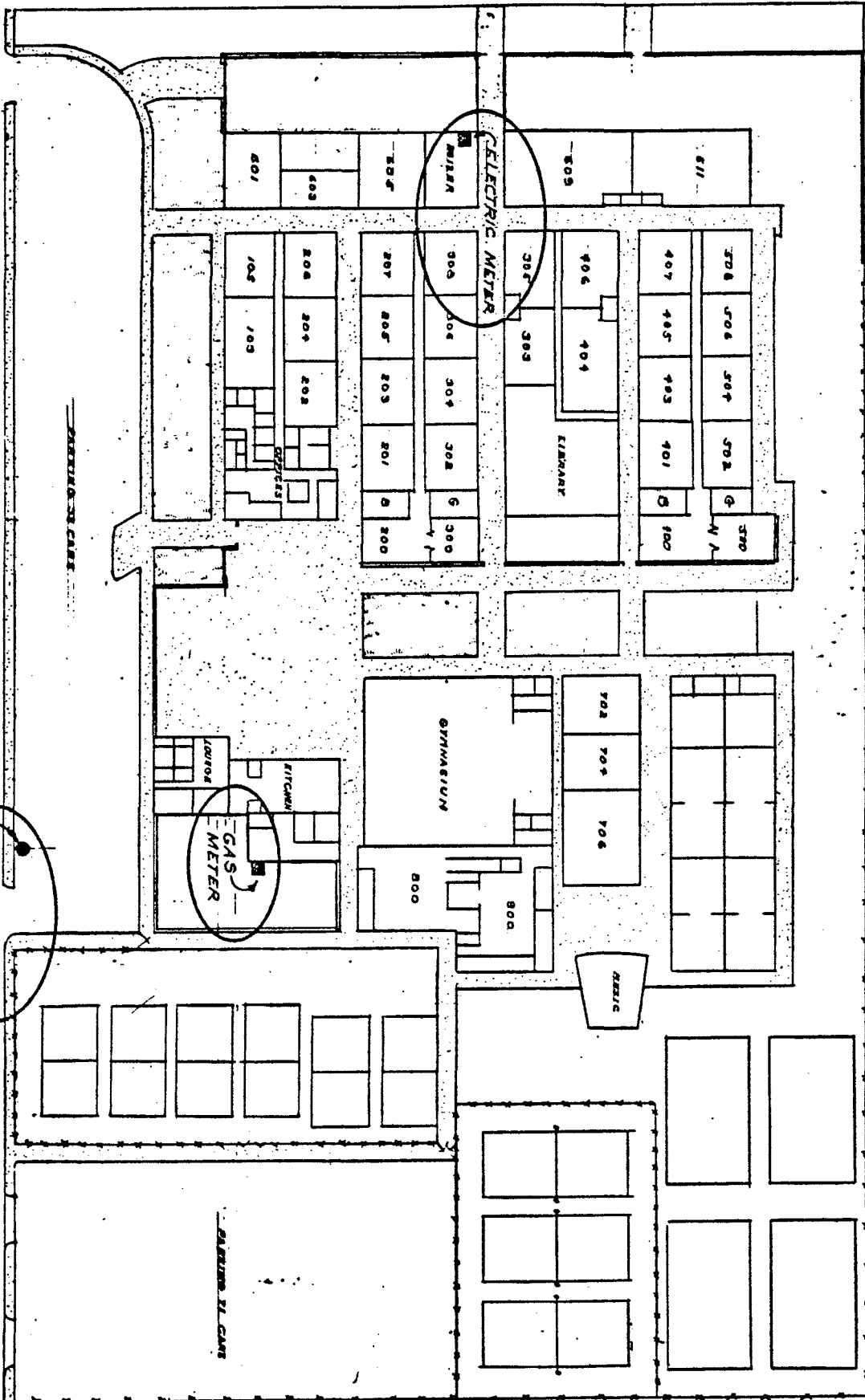
EAST ST LOUIS AVENUE

SITE PLAN
J F MILLER
ELEMENTARY SCHOOL



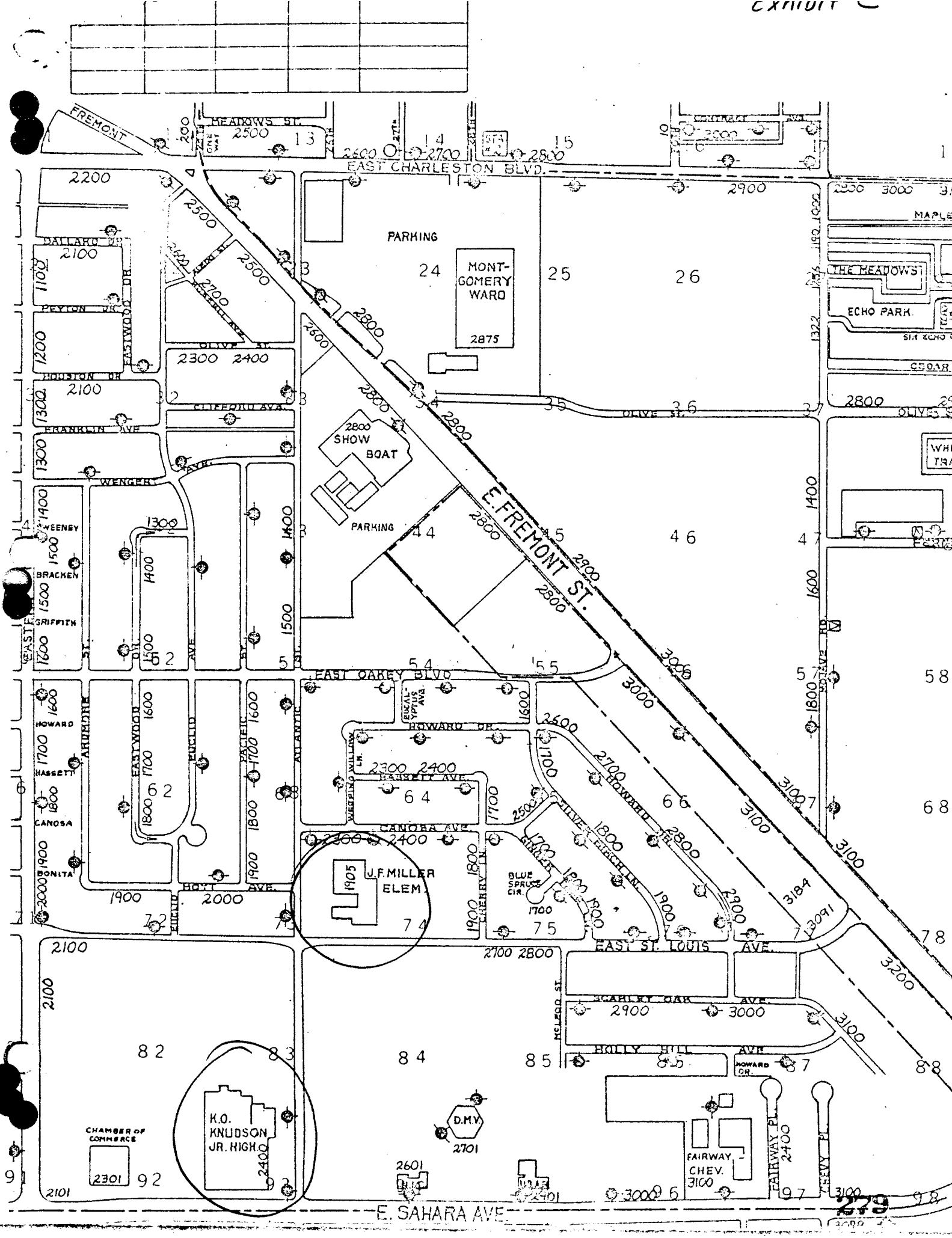
SAHARA AVENUE

ATLANTIC STREET



SITE PLAN

K.O. KNUDSON FOR HIGH



SITE PLAN
SUNRISE ACRES ELEM.



WATER

DIRT

PAVED PLAY AREA (24,000 SQ. FT.)

BASKETBALL COURTS

LIBRARY

ELECTRIC METER

SAND

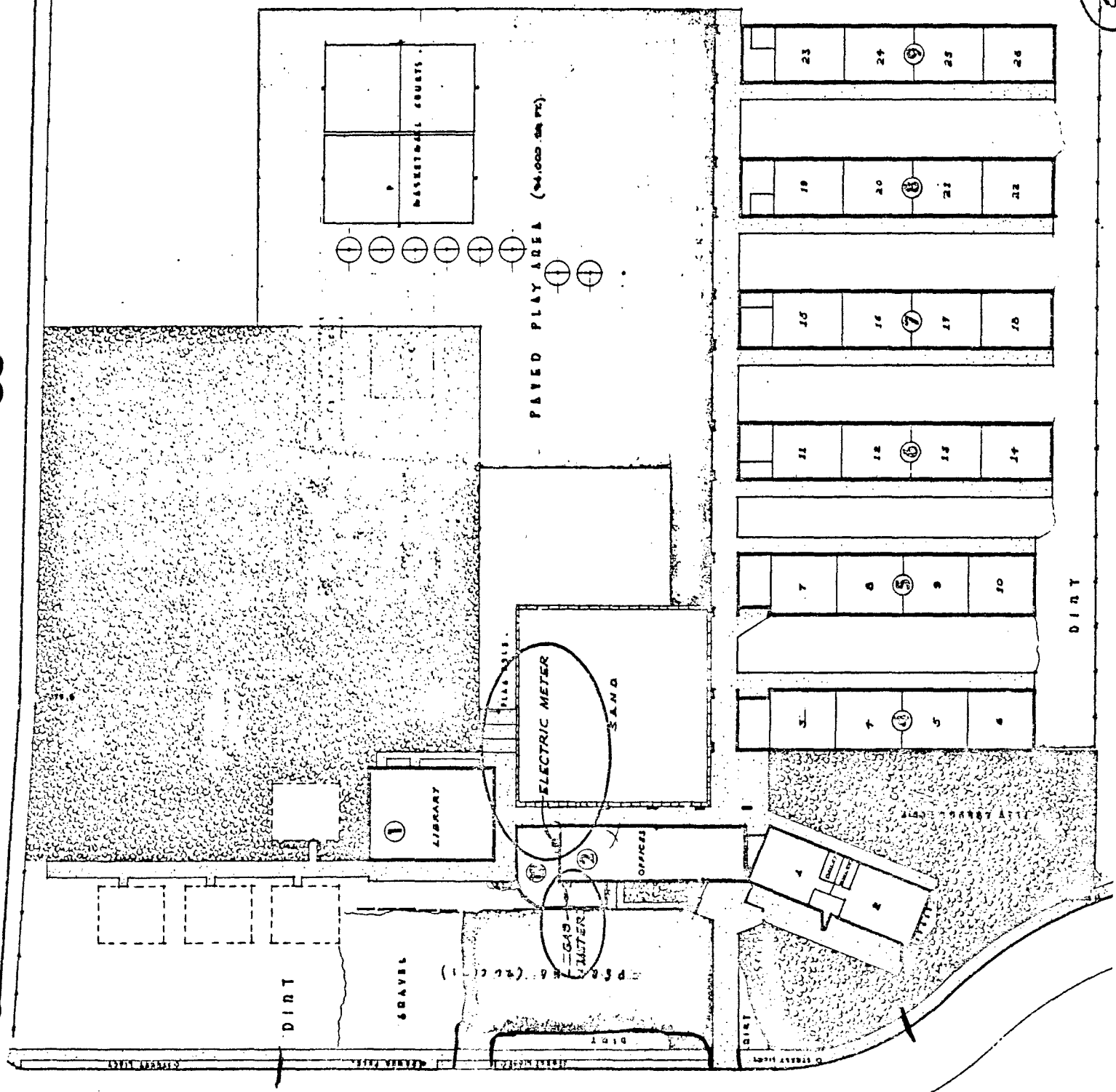
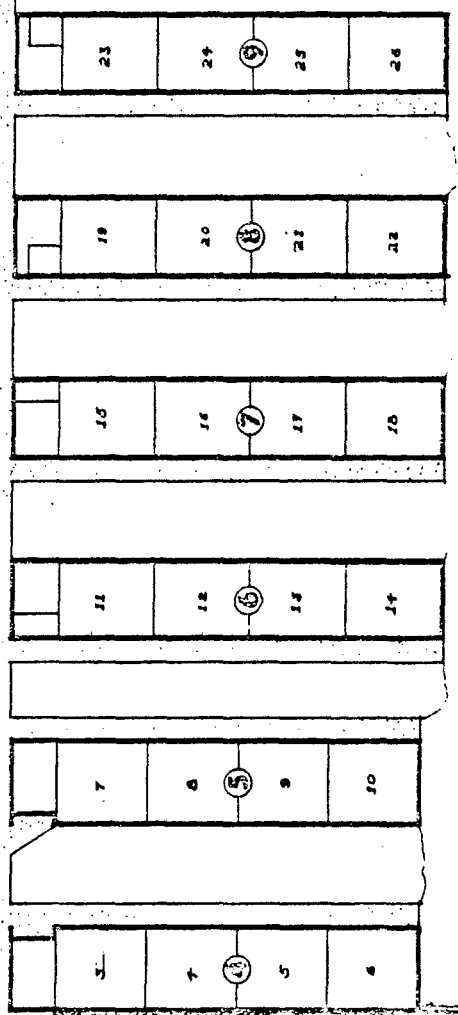
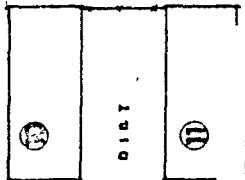
GAS WATER

OFFICES

GRAVEL

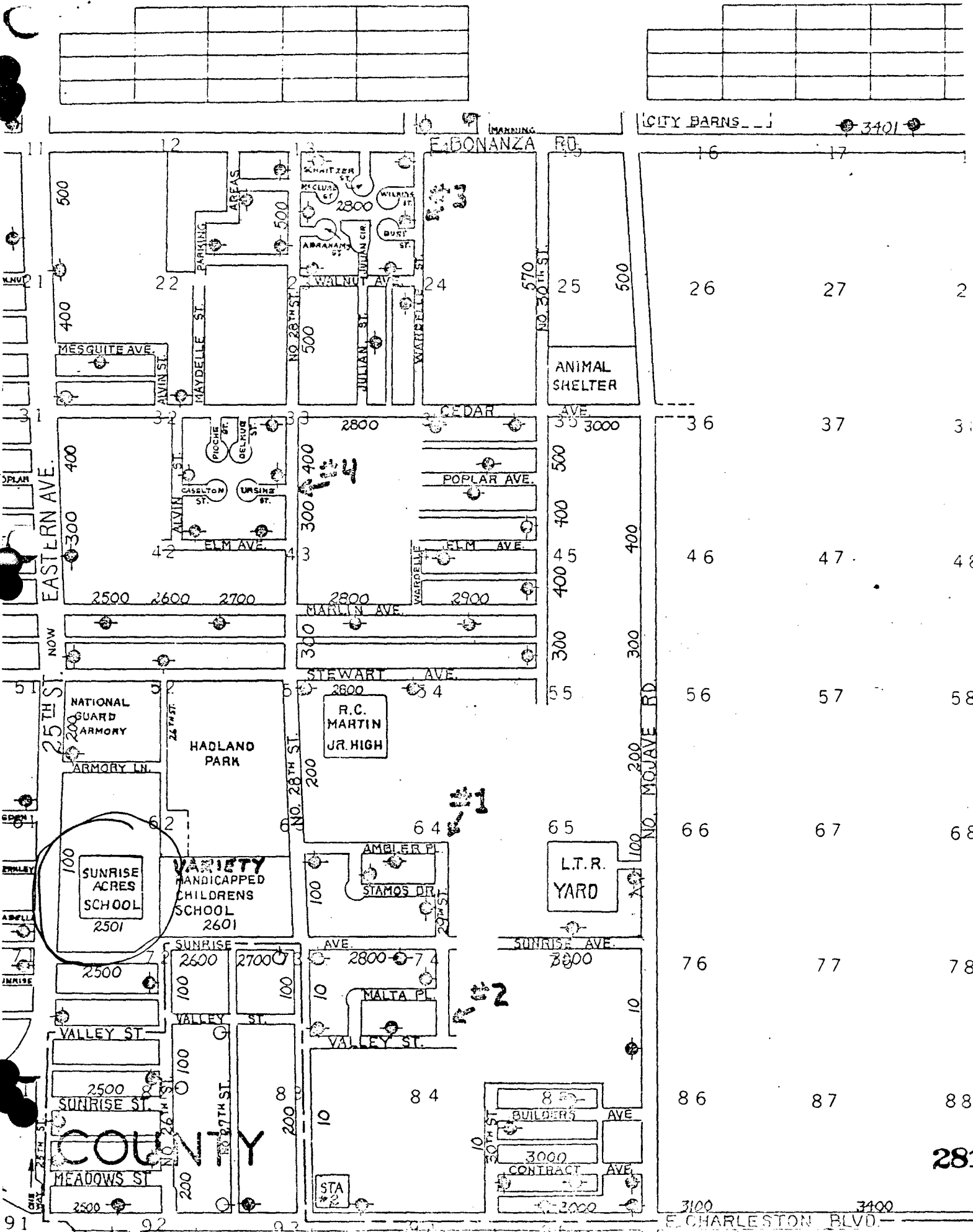
DIRT

DIRT



576 U

EXHIBIT C



CITY BARN... 3401

BONANZA RD

ANIMAL SHELTER

CEDEAR AVE

POPLAR AVE

ELM AVE

MARLIN AVE

STEWART AVE

SUNRISE AVE

COUNTY

BUILDERS AVE

CONTRACT AVE

E CHARLESTON BLVD

281

W. UNDER STREET

FREDERICK STREET

D. STREET

WATER CUTOFF

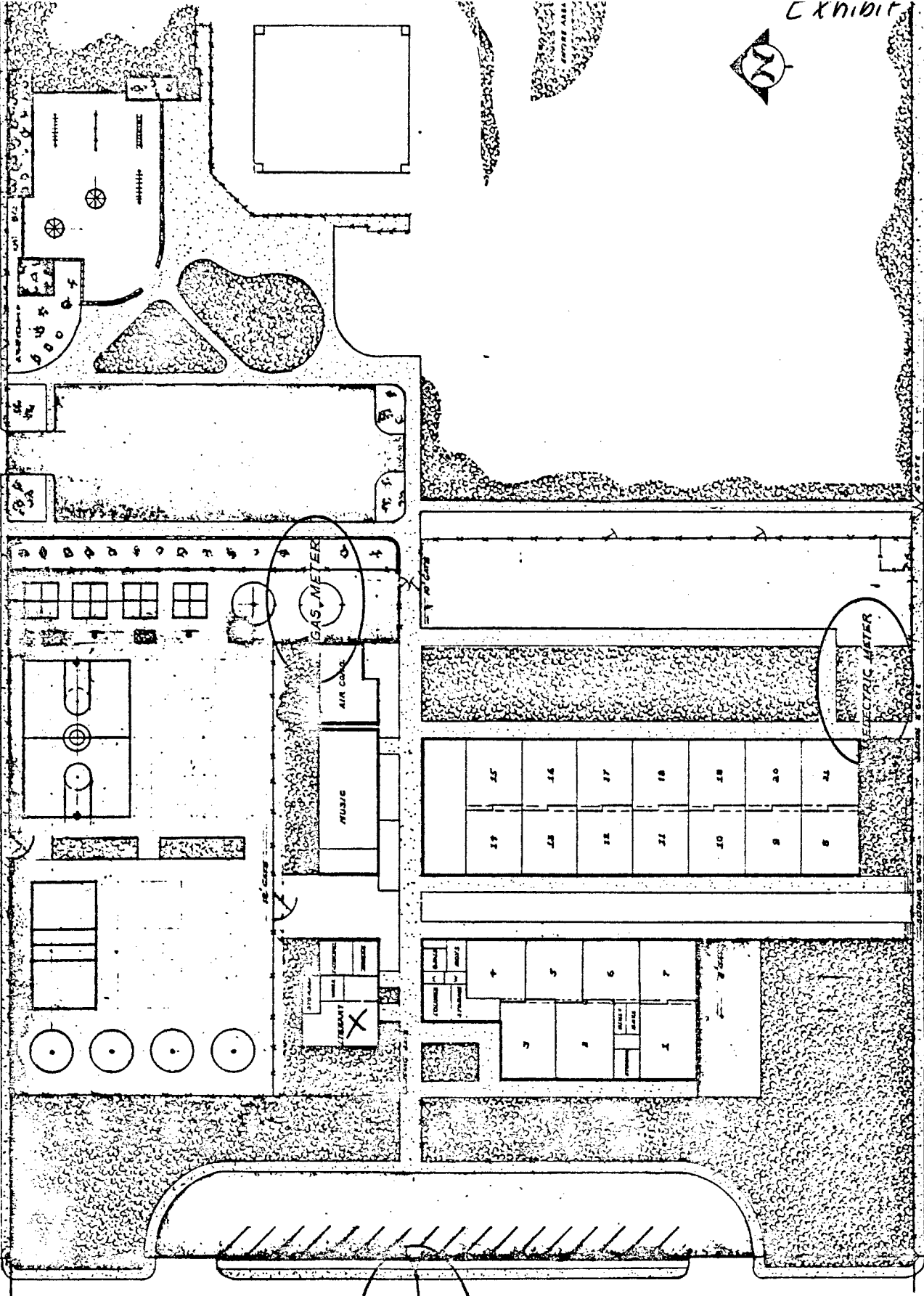
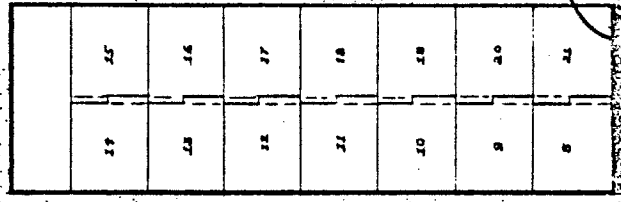
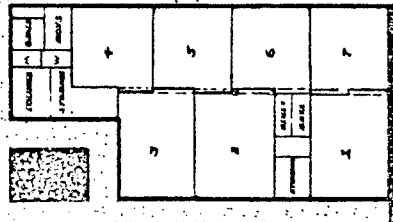
GAS METER

AIR COND.

HUB

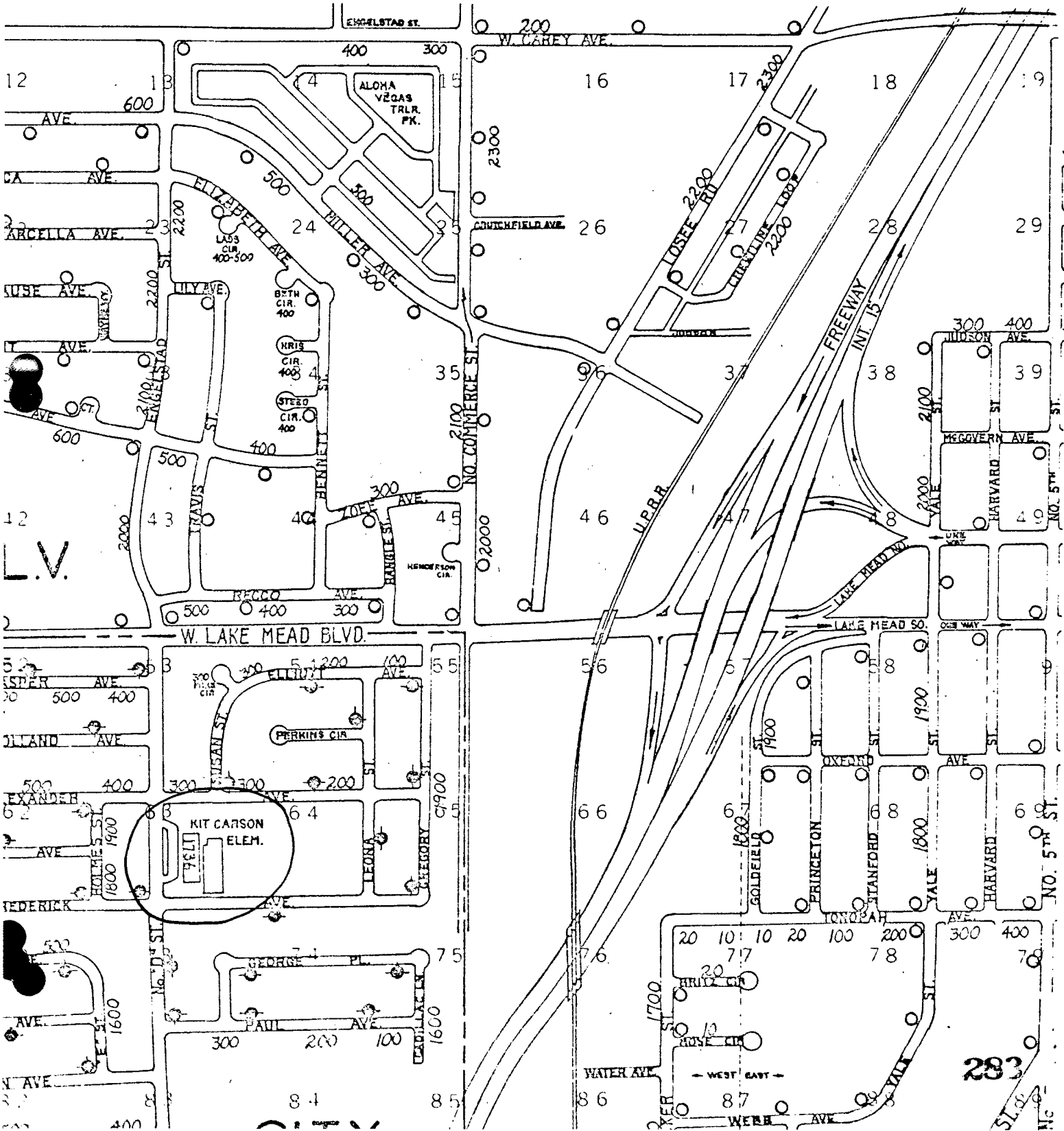
REAR

ELECTRIC METER

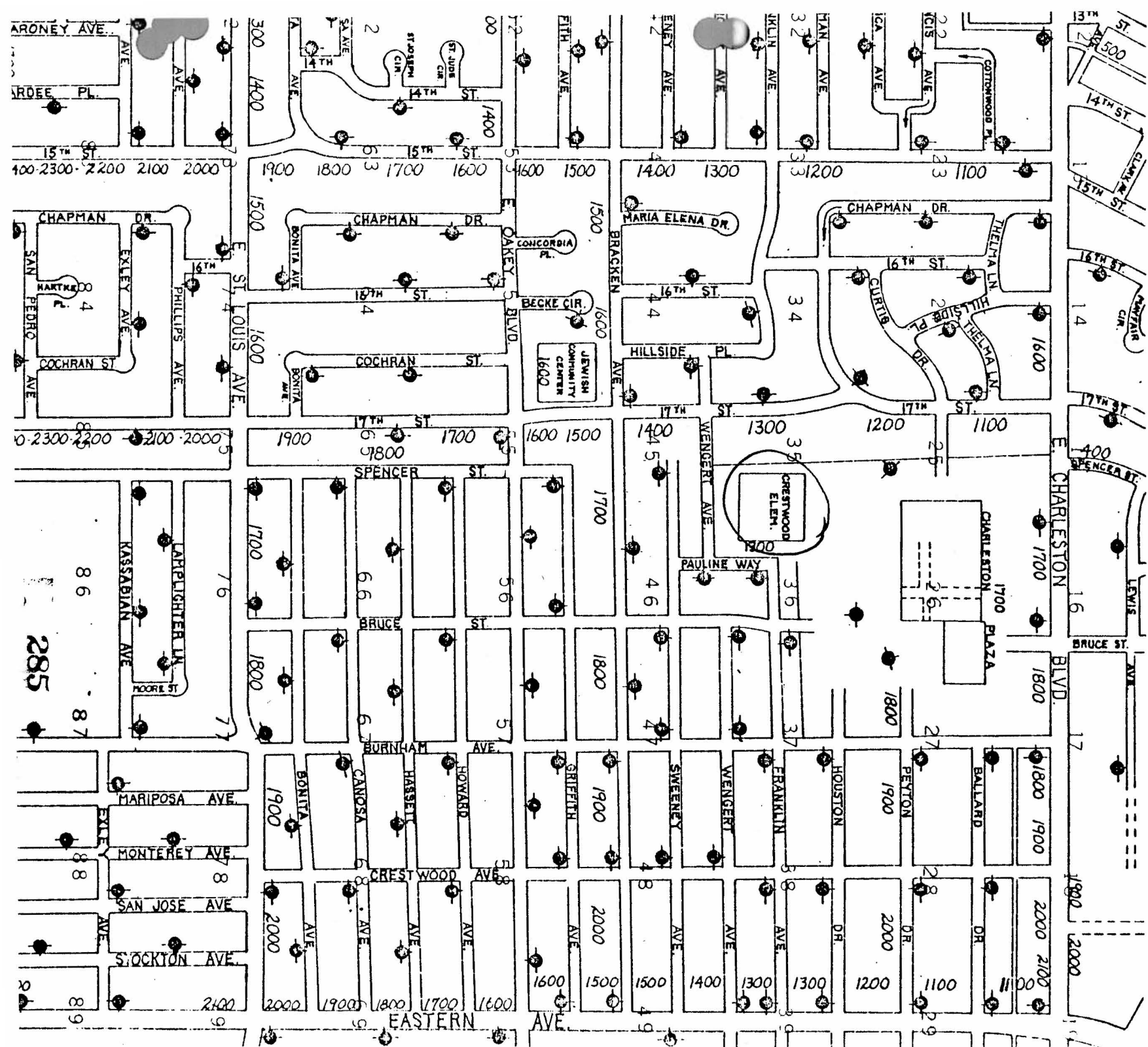


2225

Exhibit C



283



4260

Exhibit A

amended or changed
WV Clear

S. p. m.
3/24/77

AB 333

Section 1. NRS 293.590 is hereby amended to read as follows:
293.590 1. [No] A person [may] *shall not*:

- (a) Loiter in any polling place so as to interfere with the conduct of the election.
- (b) [Except] *Unless he is* an election board officer, receive from any voter a ballot prepared by such voter.
- (c) Remove a ballot from any polling place before the closing of the polls.
- (d) Apply for or receive a ballot at any election precinct or district other than the one at which he is entitled to vote.
- (e) Show his ballot to any person, after marking it, so as to reveal any of the names voted for.
- (f) Within [100] 500 feet of the *outside entrance to the* polling place, ask another person for whom he intends to vote.

2. [No] A voter [may:] *shall not*:

- (a) Receive a ballot from any person other than an election board officer, nor may any person other than an election board officer deliver a ballot to a voter.
- (b) Deliver to an election board or to any member thereof any ballot other than the one received.
- (c) Place any mark upon his ballot by which it may afterward be identified as the one voted by him.

3. Any person who violates any provision of this section is guilty of a gross misdemeanor.

Sec. 2 NRS 293.592 is hereby amended to read as follows:

293.592 It is unlawful within [100] 500 feet of the *outside* entrance [from the public thoroughfare] to [any] ~~the room of~~ the polling place, marked as such entrance:

- 1. For any person to solicit a vote or speak to a voter on the subject of marking his ballot.
- 2. For any person, including an election board officer, to do any electioneering on election day.
- 3. Any person who violates any provision of this section is guilty of a gross misdemeanor.

Sign - only on printed form

~~Chen White~~
~~Secretary of State~~