

GOVERNMENT AFFAIRS COMMITTEE

Minutes of Meeting - February 14, 1977

Present: Chairman Gibson
Senator Foote
Senator Faiss
Senator Gojack
Senator Hilbrecht
Senator Raggio
Senator Schofield

Also Present:

David L. Howard, representing Secretary of State
Tom Moore, Clark County
Vaughn Smith, Carson City Clerk
Bob Warren, Nevada League of Cities
Donald Klasic, Attorney General's Office

Chairman Gibson opened the eleventh meeting of the Government Affairs Committee at 2:05 p.m. with SB-42 being the first bill to be considered.

SB-42

Allows certain counties to establish nonpartisan election for county officers. (BDR 20-181)

Chairman Gibson informed the committee that SB-42 was introduced as a committee measure for Senator Sheerin. The bill would apply to counties of less than 100,000 (this excludes Washoe and Clark Counties).

Vaughn Smith, Carson City Clerk, testified on this bill and indicated to the committee that from the input he has received there are people on both sides of the fence. Many people are in favor of this bill as there is less dissention among workers where the election is nonpartisan. Mr. Smith indicated that this has worked out well in Carson City. He also noted that many wish to keep the law as it is. Mr. Smith clarified that the people he polled were elected officials in the counties that would be affected by this legislation.

Bob Warren, Nevada League of Cities, had no opinion from the cities on this bill as yet. Mr. Warren personally felt that it would be a good policy on the county level and stated that this worked well in California.

Frank Daykin, Legislative Counsel, clarified that county commissioners were included in the term "county officers". Mr. Daykin felt that this type of legislation was more widespread with the cities than the counties.

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Senator Hilbrecht and Senator Foote felt that if the words, "some or" were added after "designate" on line 8 it would give the voters more options.

Chairman Gibson questioned its constitutionality with regards to Local & Special laws, article 4.

Frank Daykin indicated to the committee it was his feeling that the bill would be more constitutionally sound if we made all the officers go as a group than if we gave the voters a spectrum of choice. The bill needs a reasonable degree of uniformity.

Motion to "Hold SB-42" by Senator Hilbrecht, seconded by Senator Gojack. Voting went as follows: Yea's Senator's Raggio, Gojack, Hilbrecht, Foote and Faiss. Na's Senator Gibson and Schofield. Motion carried.

SB-31

Revises election laws to permit voting for write-in candidates. (BDR 24-294)

Chairman Gibson also indicated that this was a committee bill requested by Senator Sheerin.

Mr. Donald Howard, representing Secretary of State William Swackhammer, testified to the committee on this bill. Mr. Howard informed the committee that his prior position was that of registrar in the City of Reno. He was against the bill in its present format for many reasons.

First, Mr. Howard stated that in terms of reprogramming the computers and retraining the staff the cost would be enormous. Second, where counties used paper ballots, reprinting costs are high as well as putting us back to hand counting ballots again. Third, did not like the exclusion of write-in candidates for the office of Vice President and President in the general election. Fourth, on line 9 of Section 3 - would prefer to have the word "may" dropped and use "shall". Also on line 15, section 3, subsection 2 - suggested dropping the fee requirement altogether. On line 20, Section 4 - feels that the word "before" is much too vague. Timing in elections is critical and "before" can mean any time. On Page 6, lines 10 through 17 with regard to the system of choosing the voting style. Mr. Howard gave many examples of the types of cards and systems that could be used in the write-in option. Also on line 37, 38 and 39 Mr. Howard showed that this might just bring us back to hand counting of the ballots. He also questioned the term, "nullify".

The committee discussed the questions Mr. Howard posed and felt that with regards to nullify it could be changed to "disregard".

With regard to the fear of bringing us back to hand counting of the ballots the committee felt that with punch cards a place could be allowed for punching in you wanted to write in a candidate. This would throw out only those cards that had been punched for write-in candidates.

Vaughn Smith, Carson City Clerk, is concerned with the mechanics of the bill also, was in agreement with Mr. Howard's remarks. He pointed out that there are many ballots that are thrown out because of human error and the write-in situation would certainly increase the number of errors made.

Mr. Smith discussed "over votes", page 3, lines 9 through 28. Writing in a candidate after marking "None of these Candidates" would negate the ballot. Should eliminate one or the other of these alternatives. He also felt there might be problems with Section 6, page 2, lines 20 through 25. Doesn't think there should be write-ins for the judicial system.

Mr. Smith indicated that in talking with officials in voting in California and Oregon that the write-in policy has been time consuming and very expensive.

Tom Moore, Clark County, feels that it will definitely have a financial impact on the counties for two reasons; 1) The additional costs for printing and training - 2) the costs for help in counting the ballots.

Donald Klasic, Attorney General's Office, stated that they also had problems with the bill. On line 15, page 1 - the problem is that the classic justification is to get tight controls on the ballot. We must either have a filing fee for all or no one.

Mr. Klasic read an example case to the committee to give a better idea of the problems that could arise if the filing fee situation isn't changed.

Chairman Gibson noted that a written testimony had been handed to him from Mary Britelow regarding her views on this bill. Please see the attached testimony marked #A. Chairman Gibson also noted that this bill would be rescheduled to be heard at a later date. He also informed the committee that Frank Daykin was preparing the amendment on SB-25 now and we would hear it as soon as they were printed.

Discussion on SB-15 with regards to the involvement of the State in the matter of scheduling examinations on religious holidays was brought up after Chairman Gibson received a report from Andrew P. Grose, Legislative Research Department. The report went into great detail on the religious holidays observed by the Jewish and Catholic faiths.

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The complications involved helped the committee come to the conclusion that it should be handled by the personnel departments in the State.

Senator Hilbrecht suggested that this be placed on concurrent resolution for the Governor's office.

Senator Raggio stated that he would prefer a letter to the personnel departments informing them of the problem would be the first step. If further action was necessary then a concurrent resolution could be adopted.

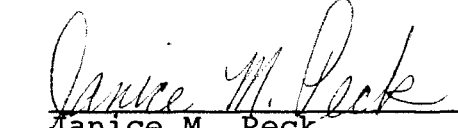
A motion was made to draft a concurrent resolution for circulation to the Governor's office, etc., to make them aware of the certain religious holidays prior to taking action on SB-15. All committee members were in agreement of the above motion.

Chairman Gibson requested that Senator Hilbrecht be responsible for drafting the resolution.

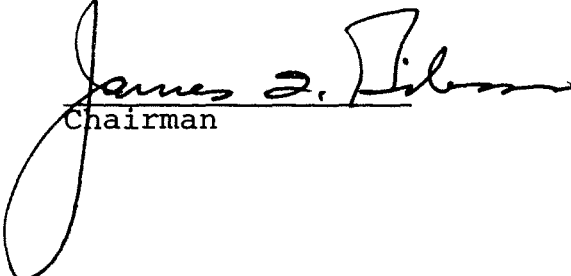
Chairman Gibson then reminded the committee of the meeting on Wednesday and passed out the Senate Concurrent Resolution 8 for their information.

With no further business the meeting was adjourned at 3:30 p.m.

Respectfully submitted,


Janice M. Peck
Committee Secretary

Approved:


Chairman

To: Senate Government Affairs Committee

From: Mary Breitlow - Resident and voter of Nevada

Chairman Gibson and Committee Members:

Thank you for giving me the opportunity to speak to you on this bill-Senate Bill 31. I wish, especially, to thank Senators Gojack and Sheerin for the drafting of the bill.

SB 31 addresses itself to two major problems that the present election laws do not. First, SB 31 provides the citizen a greater opportunity to vote for candidates of their choice regardless of party endorsements, petitions, or determinations by the Secretary of State. An example and perhaps, for some of you, not the best was Senator McCarthy who was a recognized candidate in the last presidential election. He ran as a write-in candidate in several states. In Nevada, however, there was no mechanism by which he could do so.

A second area to which SB 31 addresses itself is that which concerns our mobile society. The increasing mobility of our citizens can serve to limit their ability to work within the party structure. In a sense, then, the request for an opportunity for write-in voting is an extension of the recently available opportunity for no-confidence voting. However, I see the write-in vote making a positive and definitive statement of choice rather than just "None of these candidates".

I find only one problem with SB 31 as it is now written. It does not provide for the write-in of presidential and vice-presidential candidates in those elections. It should be amended to allow this.

I would like to comment on some concerns which I came across when doing background work on write-in voting. One was that voters should focus on the party system to secure the candidate(s) of their choice. I do not wish to be constrained by party choices. Nor is this route always possible for some in our mobile society. The Constitution of the United States conceived that officials be elected by the votes of the people without any mention of political parties.

Also, there has been some concern that with the use of voting machines write-in votes are not feasible. I have been assured by Computer Election Systems, Inc., who vended the voting machines for Clark County and Carson City, among others, that there is no problem.

A third comment was that the expense and time in handling write-in votes is not worth it. I have heard no figures to support this contention, but, I must point out that the Counsel Bureau feels there will be no fiscal impact on local governments under this bill.

I am asking you to favorably consider this bill with an amendment to include the presidential and vice-presidential elections. SB 31 will insure a greater voting opportunity and at the same time protect against irresponsible voting.

SENATE

AGENDA FOR COMMITTEE ON..... GOVERNMENT AFFAIRS.....

Date..Monday..2-14-77..Time..2:00..P.M....Room.....243.....

Bills or Resolutions to be considered	Subject	Counsel requested*
SB-42	Allows certain counties to establish nonpartisan election for county officers. (BDR 20-181)	
SB-31	Revises election laws to permit voting for write-in candidates. (BDR 24-294)	

