

Date: MARCH 26, 1979

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MEMBERS PRESENT: Chairman Horn
Vice Chairman Bedrosian
Mr. Barengo
Mrs. Cavnar
Mr. Harmon
Mr. Hickey
Mr. Malone

MEMBERS ABSENT: None

GUESTS PRESENT: William Swackhamer, Secretary of State
David Howard, Chief Deputy Secretary of State

Chairman Horn called the meeting to order at 3:05 p.m. He informed the committee of the agenda for April as follows: April 2, AB 467 and AB 608; April 9, AB 601 and AB 602; April 16, SB 41 and AB 596; April 23, SB 40 and SB 39.

Mr. Horn gave each member a copy of the amendments to AB 147, a copy of which is attached to these minutes as Exhibit A.

AB 147: Changes certain provisions of law regarding place and notice of precinct meetings and bans appointment of delegates to certain party conventions.

Mr. Horn explained the amendments to the committee and stated that although it might not make either side happy, he felt it was a fair bill now.

Mr. Bedrosian moved DO PASS AS AMENDED on AB 147, seconded by Mr. Harmon. Mrs. Cavnar asked if anyone had contacted the Clark County School District regarding the use of the schools for precinct meetings. Mr. Malone said that he had talked with Mr. Perkins personally who stated that there was no problem in using the schools and did not know where the problem originated. The motion carried by a four to two vote with Mr. Horn, Mr. Bedrosian, Mr. Harmon and Mr. Malone voting yes and Mrs. Cavnar and Mr. Hickey voting no. Mr. Barengo was absent at the time of the vote.

Mr. Horn said that the committee would now hear testimony on SB 37 and asked Mr. Swackhamer and Mr. Howard to come forward.

SB 37: Makes various changes to election laws.

Mr. Swackhamer explained that this bill addressed several errors in the law discovered by his office and that he would like to discuss these item by item.

He said that on page 1, section 2 relates to the withdrawal of candidacy and there is nothing in the present statutes that relates to withdrawal which might cause controversy in a close election because it was handled in different ways by county clerks.

Mr. Swackhamer continued by saying that section 3 states that in any township that has more than one justice of the peace, there will be a department for each justice so that the person who is filing for that office will know who he is running against and where he will be. He added that this is done for the supreme court presently.

He explained that on page 2, lines 9 and 10 sets the date for filing a declaration of candidacy because the Campaign Practices Act refers to a specific date which is not now set by law.

Mr. Swackhamer said that page 3 gives the Secretary of State authority to adopt rules and regulations for special and district elections as well as the primary and general elections. On that same page he said that lines 45 through 48 gives the county clerks the option of placing nonpartisan candidates on the same ballot as other candidates if they wish to.

Mr. Bedrosian asked if this language would conflict with the legislation setting up the order of candidates on ballots and Mr. Howard replied that this only gives the county clerks the option of using one piece of paper or two.

Mr. Swackhamer explained that on page 4, lines 13 through 17 is current practice but not stated in the statutes. He continued by referring to section 11, line 28 which adds the length of term of office in order to cover those candidates running for unexpired terms of office. He added that lines 43 and 44 refers to the name of the political party and said he would like this added because of a problem with the abbreviation of libertarian.

He commented that page 5 generally applies to the discontinuation of the use of a watermark which has become costly and can be replaced by a chemical mark. He added that where it states that a ballot must be folded so that the watermark shows should be deleted because if a voter did this an election worker could see how he voted.

When Mr. Horn questioned the removal of lines 38 through 40 on page 5, Mr. Howard explained that this would enable them to order stock that was not designated for a specific election but could be printed with identification as needed thus economizing. He added that the watermark or Secretary of State's mark did not in any way protect the ballots which are now serialized.

Mr. Swackhamer commented that watermark paper must be individually produced with a minimum order of 21,000 sheets and each party must be a different color paper costing the state approximately \$8,000 for each order.

Mr. Swackhamer explained that on page 7, lines 5 and 6 requiring the county treasurer to deposit the money to the credit of the general fund of the county were added because the auditors discovered two or three instances in the Secretary of State's statutes directing fees to be paid to the Secretary of State's

office with no reference to what should be done with them. He then indicated that the change on line 42 of page 7 was not the request of his office and he did not feel the change from four to two weeks was in the best interest of the state.

He said that on line 45 they had requested 7 days before any election but the Senate had amended it to 10 days before which he felt was certainly better than the original 15 days.

Mr. Hickey commented that with the poor mail service of today he did not feel that 7 days was adequate. Mr. Swackhamer reiterated that 10 days was certainly better than 15 days.

On page 8 Mr. Swackhamer referred to the change from four months to 120 days and explained that there is a difference of opinion as to whether a month is 30 or 31 days whereas 120 days is of definite duration. He recommended that line 25 of that page be amended to read approximately 20 words to give a little leeway.

When Mr. Horn asked that section 2 and section 3 be reviewed again, Mr. Howard explained that section 2 provides for a definite time when a candidate can withdraw and that this is not covered anywhere in the statutes at the present time. He added that in the larger counties the timing for the printing of ballots is critical. He commented that every year there are candidates who run for office just for publicity and withdraw at the last minute.

When Mr. Hickey questioned what 12 m. meant, Mr. Howard said he did not know, that they had requested 12 noon but it did not matter to them as long as a definite time was established.

When Mr. Barengo asked when the ballots were printed, Mr. Howard answered about the first week in August. Mr. Hickey asked if with that much time before the ballots were printed a candidate could be allowed a full day after the close of filing to withdraw. Mr. Swackhamer suggested that it could read 24 hours after the close of filing which would establish a definite time.

Mr. Howard commented that if a change is made on the ballot after the printing plates are made the county pays for that change.

Mr. Swackhamer quoted three attorney general's opinions: 1) "a party candidate may withdraw at any time prior to expiration of time for filing nomination papers but not become a candidate for another party at the same election." 2) "a candidate for nomination in primary election may withdraw at any time prior to his nomination even though his name has already been printed on a primary ballot." 3) "where two candidates file for nonpartisan office, both are deemed nominated as of date set by law for close of filing and neither candidate can thereafter withdraw his name from general election ballot." He pointed out that this was the reason that a definite timeframe was needed.

Mr. Howard explained that section 3 originated from Las Vegas township and the Judicial Planner's office. He said there were

some short terms and some long terms and no one knew exactly which office they were filing for because they did not have departments and this section would require that departments be created.

Mr. Swackhamer commented that four years ago the legislature mandated that seats be established for election purposes only on the supreme court. He added that this system has worked well and he felt it would be the same for justices of the peace.

Mr. Howard explained that on page 2, line 3, there was a definite change in the way petitions would be qualified, that the signers must presently be registered voters rather than registered at the time of the last general election. He said that with our transient society it was difficult to keep track of voters between elections.

When Mr. Hickey questioned the timeframe involved, Mr. Howard explained that it would be voters who are on the books at the time when the petition is filed. He added that with this legislation the clerks would verify the names against the current rolls whereas before they were required to verify names against the rolls of two years ago.

Mr. Hickey questioned whether this would open up the tactic used to stall a petition and weaken it and Mr. Howard replied he thought it would strengthen it. He explained that someone moving into a district after a general election under the present law would not be able to petition against something that was affecting them.

Mr. Barengo commented that this was a major change in philosophy in that under the present law those who elected a person had a right to recall whereas this legislation would allow the newly registered voter to recall. He added that there are other ways of removing a person from office one of which is by filing an affidavit of misfeasance of office.

Mr. Howard pointed out that this section only deals with qualifying a new political party and not with recall.

Mr. Howard stated that he felt page 6, lines 37 through 39 were the most important part of SB 37 because he had participated in a number of recounts. He explained that if the preceding sentence "shall, after hearing any challenges, determine whether the ballots are marked as required by law" is not deleted it puts the county clerk or election official in the position of being a judge. He felt that if there are ballots that are challengable and should not be counted, the challenging person has an avenue in court under the contest provisions of the current statutes. He added that tremendous pressures can be put upon county clerks by outside people.

When Mr. Bedrosian asked what disqualified a ballot, Mr. Howard replied that a signature or fingerprints could do this.

Mr. Horn questioned the section which states that the recount board shall examine selected ballots and Mr. Howard explained that

that in a punch card county 5 percent of the precincts or no less than 3 precincts are hand counted and then run through the computer. If there is more than a one percent variation, then all the ballots must be counted.

When Mr. Bedrosian asked whether in section 2 there should be a provision for a person who has a legitimate reason for withdrawal of candidacy, Mr. Swackhamer said that a person could not withdraw after nomination for any reason and he did not feel that this short period of time would put anyone at too much of a disadvantage. Mr. Howard noted that when this happened previously, he advised the person to put an ad in the paper explaining the circumstances causing him not to run.

Since there was no further testimony on SB 37, Mr. Horn asked the committee to consider SB 128.

SB 128: Prescribes procedure for nomination of independent presidential candidates.

Mr. Swackhamer stated that though SB 128 was not introduced at his request, he felt it solved an existing problem of a hiatus in the law in not providing for independent candidates. He added that there were some other problems that the committee might want to address. He said that NRS 298.105 provides for a petition one percent of the vote cast for that party's electors in the last general election in which a president was elected and this would require today for a Democratic candidate 925 signatures, for a Republican 1,013, for an Independent American 15 and a Libertarian 16. He noted that these rediculously low figures in the splinter parties could cause a long ballot of publicity seekers. He felt that this section should be amended to read one percent of the total vote cast for president at the last general election at which a president was elected. He then listed the names of persons who had already petitioned to be on the ballot, such as Tom Alliato from San Francisco; Ray Rollinson, a democrat; Jay John Gordon, a repulican; Buck Roger who belongs to the Mugwump party; Prophet Elijah and James Gazundi Johnson, etc.

Mr. Horn asked where this change would be and Mr. Swackhamer said it was in NRS 298.105, the presidential primary section.

Mr. Hickey asked how much it cost the state for each one of these people to register and Mr. Swackhamer said not too much as they have to run the election anyway but in the case of a presidential primary it might be quite costly.

Mr. Horn asked Mr. Swackhamer to draft an amendment for this that could be added to SB 128.

When Mr. Barengo asked how much it cost the state to run a presidential primary, Mr. Swackhamer said that the last election cost \$156,000 and Mr. Howard noted that the next time would be approximately \$200,000.

When Mr. Hickey asked if the presidential primary was mainly for national recognition, Mr. Swackhamer explained that Nevada was a portion of a regional primary which contitutes Oregon, Idaho and Nevada and because none of these states are large enough to attract national candidates, it was felt a regional primary would bring these candidates to this section of the country. Mr. Swackhamer added that during the last presidential election all candidates were in the State of Nevada at least once and some more than once. He commented that he personally favored a presidential primary at least one more time because over 65% of the qualified electors voted in this election.

Mr. Howard stated that he had received a phone call this day from the Civil Liberties Union and that are very interested in this bill. He added that he felt if this bill did not pass, the CLU would be here protesting in 1980.

When Mr. Horn asked if they were in favor of SB 128 even though it was not their request, both Mr. Howard and Mr. Swackhamer answered yes.

After discussion the committee agreed to amend SB 37 in the following manner: Page 1, line 4 to read "within five working days" rather than "before 12 m. of the day"; Page 7, line 42 change back to 4 consecutive weeks rather than 2 by deleting the brackets and striking 2; Page 8, line 25 to read "be condensed to no more than 25 words" rather than "be condensed to 20 words."

Mr. Hickey moved DO PASS AS AMENDED on SB 37, seconded by Mrs. Cavnar and unanimously carried by the committee with Mr. Harmon absent at the time of the vote.

Mr. Horn requested that Mr. Bedrosian have the amendments drafted and speak to the bill on the floor of the Assembly. Mr. Horn then adjourned the meeting at 4:15 p.m.

Respectfully submitted,

Patricia Hatch
Assembly Attache

60th NEVADA LEGISLATURE

ASSEMBLY ELECTIONS COMMITTEE

LEGISLATION ACTION

DATE MARCH 26, 1979

SUBJECT AB 147: Changes certain provisions of law regarding place and notice of precinct meetings and bans appointment of delegates to certain party conventions.

MOTION: DO PASS AS AMENDED (see attached amendments)

Do Pass XX Amend XX Indefinitely Postpone Reconsider

Moved By Mr. Bedrosian Seconded By Mr. Harmon

AMENDMENT:

Moved By Seconded By

AMENDMENT:

Moved BY Seconded By

Table with columns: MOTION (Yes, No), AMEND (Yes, No), AMEND (Yes, No). Rows include BEDROSIAN, BARENGO, CAVNAR, HARMON, HICKEY, MALONE, HORN, and TALLY: 4, 2.

ORIGINAL MOTION: Passed XX Defeated Withdrawn

AMENDED & PASSED AMENDED & DEFEATED

AMENDED & PASSED AMENDED & DEFEATED

Attached to Minutes March 26, 1979

60th NEVADA LEGISLATURE

ASSEMBLY ELECTIONS COMMITTEE

LEGISLATION ACTION

DATE MARCH 26, 1979

SUBJECT SB 37: Makes various changes to election laws.

MOTION: DO PASS AS AMENDED

Do Pass XX Amend XX Indefinitely Postpone Reconsider

Moved By Mr. Hickey Seconded By Mrs. Cavnar

AMENDMENT:

Moved By Seconded By

AMENDMENT:

Moved BY Seconded By

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
BEDROSIAN	X					
BARENGO	X					
CAVNAR	X					
HARMON	absent					
HICKEY	X					
MALONE	X					
HORN	X					
TALLY:	6	0				

ORIGINAL MOTION: Passed XX Defeated Withdrawn

AMENDED & PASSED AMENDED & DEFEATED

AMENDED & PASSED AMENDED & DEFEATED

1979 REGULAR SESSION (60TH)

ASSEMBLY ACTION		SENATE ACTION		Assembly	AMENDMENT BLANK
Adopted	<input type="checkbox"/>	Adopted	<input type="checkbox"/>	AMENDMENTS to	Assembly
Lost	<input type="checkbox"/>	Lost	<input type="checkbox"/>		Joint
Date:		Date:		Bill No. 147	Resolution No.
Initial:		Initial:		BDR 24-779	
Concurred in	<input type="checkbox"/>	Concurred in	<input type="checkbox"/>	Proposed by	Committee on Elections
Not concurred in	<input type="checkbox"/>	Not concurred in	<input type="checkbox"/>		
Date:		Date:			
Initial:		Initial:			

Amendment N^o 254



Amend section 1, page 1, line 4, by deleting ", registered as such," and inserting "[, registered as such,]".

Amend section 1, page 1, line 5, by deleting "to" and inserting "[to] which must".

Amend section 1, page 1, lines 13 and 14, by deleting: "at the regular polling place for the precinct." and inserting: "in one of the following places in the following order of preference:

- (a) The regular polling place for the precinct;
- (b) Any public building within the precinct;
- (c) Any private building within the precinct; or
- (d) Any public building within the ward or voting district in which the precinct is located."

Amend section 1, page 1, line 15, after "3.", by deleting the open bracket.

To: E & E
 LCB File
 Journal
 Engrossment
 Bill ✓

Date 3-8-79 Drafted by JSP:sl

Amendment No. 254 to Assembly Bill No. 147 (BDR 24-779) Page 2

Amend section 1, page 1, line 20, after "published", by deleting the closed bracket and "The county clerk or registrar".

Amend section 1, page 2, by deleting lines 1 and 2 and inserting: "The notice [shall] must be printed".

Amend section 1, page 2, line 4, by deleting "shall]" and inserting "[shall]"

Amend section 1, page 2, lines 4 and 5, by deleting "to like effect:", and inserting "[to like effect:] of similar import:".

Amend section 2, page 2, line 27, by deleting the open bracket before "If".

Amend section 2, page 2, line 28, by deleting "for any reason", and inserting "[for any reason]".

Amend section 2, page 2, line 29, by deleting "All such meetings shall]", and inserting "[All such meetings shall]".

Amend section 2, page 2, line 35, by deleting "[shall be] are", and inserting "[shall] must be".

Amend section 2, page 2, line 38, by deleting "[3.] 2." and inserting "3."

Amend section 2, page 2, line 43, by inserting a closed bracket after "convention.", and inserting:

Amendment No. 254 to Assembly Bill No. 147 (BDR 24-779) Page 3

"At the precinct meetings, the delegates and alternates to the party's convention must be elected. If a meeting is not held in a particular precinct, that precinct must be without representation at the county convention. If the position of an elected delegate becomes vacant, it must be filled by the designated alternate. If there is no designated alternate to fill a vacant delegate position, the county central committee shall appoint a delegate from among the qualified members of the party resident in the precinct in which the vacancy occurred, and the secretary of the county central committee shall certify the appointed delegate to the county convention."

Amend section 2, page 2, line 44, by deleting the closed bracket after "3."

Amend section 2, page 3, line 1, by deleting "[4.] 3." and inserting "4."

Amend section 2, page 3, after line 4, by inserting:

"5. Each political party shall adopt written rules not less than 95 days before the date set by the state central committee or fixed by law for the county convention or by January 1 of the calendar year of the national convention or conference, whichever is earlier, governing, but not limited to, the following procedures:

Amendment No. 254 to Assembly Bill No. 147 (BDR 24-779) Page 4

(a) The selection, rights and duties of committees of a convention;

(b) Challenges to credentials of delegates; and

(c) Majority and minority reports of committees."

Amend the title of the bill, 2nd and 3rd line, by deleting

"prohibiting appointment of delegates to county conventions of political parties;" and inserting:

"requiring election of delegates to county political conventions;".