

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

MEMBERS ABSENT: Mr. Barengo
Mr. Harmon

GUESTS PRESENT: William Swackhamer, Secretary of State
David Howard, Chief Deputy Secretary of State
Assemblyman Robinson
Jim Joyce
Yvonne Bernard, Douglas County

Chairman Horn called the meeting to order at 3:05 p.m. He reviewed additional amendments for AB 147 which are 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 of certain party conventions.

Mr. Horn explained that the changes in priorities of meeting places was for the small counties. He further explained that the second part of the amendment basically said that if a meeting was held but no one came the delegate seat would be deemed vacant and there were provisions in another part of AB 147 that allowed a delegate from that precinct to be appointed.

When Mr. Hickey asked if these statutes were not followed what the sanctions would be, Mr. William Swackhamer, Secretary of State, stated that if there was no penalty stated in a statute, there was an automatic misdemeanor for a violation. Mr. Hickey commented that perhaps this was a little strong and difficult to enforce.

When Mr. Horn asked what his office would do in case of a violation, Mr. Swackhamer replied that his office did not involve themselves in politics and he could not answer this questions.

Mr. Horn stated that Grant Sawyer's office had requested another amendment for AB 147 which would deal with national conventions rather than state conventions and this amendment is attached to these minutes as Exhibit B.

Mr. Hickey explained that the reason for this amendment was because people who win in primary elections prefer to have their declared delegates at national conventions.

Mr. Horn read portions of the letter from Evan Wallach of Lionel, Sawyer and Collins, Attorneys at Law, explaining that Nevada statutes are not in compliance with the National Delegate Selection

rules. This letter is attached to these minutes as Exhibit C. Mr. Horn explained that when he received this letter, he called Mr. Sawyer and suggested revising the statutes to incorporate whatever formula the national committee adopts from election to election. He said that in response to this suggestion, he received the amendment that is attached as Exhibit B.

Mr. Hickey commented that this amendment is fair in that the numbers of delegates change also and added that he felt the amendment was very well written. Mr. Hickey moved to accept this amendment to AB 147. This motion died for lack of a second.

Mr. Malone moved DO PASS AS AMENDED including the amendments as shown in Exhibit A, seconded by Mr. Bedrosian.

Mrs. Cavnar stated that she was against (a) and (b) of the amendments because she felt this was getting into a public building type of thing where the law might interfere. She added that she felt this might take away from the competition of the two party system.

Mr. Horn asked Mr. Malone if they could split the motion to deal only with the amendments.

Mr. Malone rescinded his original motion and moved to amend AB 147 to include the amendments as set forth in Exhibit A, seconded by Mr. Bedrosian and carried by a vote of 4 to 1 with Mrs. Cavnar voting no.

Mr. Hickey stated that he felt that the serious problem of violation of this proposed legislation with impending sanctions should be addressed either in committee or on the floor with possible rereferral to the Judiciary Committee.

When Mr. Bedrosian asked if anyone had ever been prosecuted for violation of election laws at a convention, Mr. Swackhamer replied that not to his knowledge except in campaign practices. Mr. Bedrosian pointed out that it would probably be a very rare instance that anyone would be prosecuted for violation of this law.

Mr. Hickey stated that he felt that with that statement this was an exercise in futility and moved to INDEFINITELY POSTPONE AB 147, seconded by Mrs. Cavnar.

Mr. Hickey said that he thought this statute appeared to be unenforcible and should have proper sanctions to be a viable piece of legislation.

Mrs. Cavnar stated that she agreed with Mr. Hickey and felt there would be a question of who would prosecute any violation.

Mr. Horn reminded the committee that there was a motion on the floor to INDEFINITELY POSTPONE AB 147 and called for a vote. The

motion failed with a vote of 3 to 2 with Mrs. Cavnar and Mr. Hickey voting yes and Mr. Horn, Mr. Bedrosian and Mr. Malone voting no.

Mr. Horn said that since the committee had adopted the amendments to AB 147, he felt that the whole committee should have the opportunity to vote and that they might possibly meet at his desk on the floor.

Mr. Horn asked the committee if it was their desire to have a committee introduction of a bill that would cover the amendment suggested by Mr. Sawyer's office (Exhibit B).

Mr. Hickey moved for a committee introduction of a bill to clarify the problem that exists with national conventions, seconded by Mr. Bedrosian and unanimously carried by the members present.

Mr. Horn informed the committee that the first bill they would hear would be AB 596, a Legislative Functions bill which would remove the declaration that a candidate intends to support the principles and policies of his party.

AB 596: Removes declaration that candidate intends to support the principles and policies of his party.

Assemblyman Robert Robinson explained that the purpose of this bill was to prevent the forcing of every candidate who files for office to perjure himself. He added that in the instance of the last election most candidates had filed for office and signed a declaration of candidacy which states that the candidate intends to support the principles and policies of his party before the party's convention where a platform is adopted which by definition is the principles and policies of that party. He said that he doubted that there had ever been a platform which a candidate of either party could support in toto. He said that the platform arrived at before the last election caused a great deal of desertion in the democratic party. He explained that he felt by taking that one sentence out of the declaration of candidacy the problem would be solved.

Mr. Robinson pointed out that this declaration of candidacy appears in SB 37 which was on General File for this day and suggested that it might be possible to rescind the action of today and add an amendment which would accomplish the same thing as AB 596.

Mr. Hickey suggested the possibility of inserting the word "generally" before support which would broaden the base but still imply support of many of the issues.

Mrs. Cavnar suggested deleting the words "and intend to support" which would still imply belief in the party's principles and policies.

When Mr. Robsinson asked when this declaration of candidacy came about, Mr. Swackhamer replied that he did not know but that a similar bill to AB 596 was introduced in the Assembly many years ago and was defeated.

Mr. Bedrosian stated that he was not in favor of tying this change to SB 37 because SB 37 was a simple, non-controversial housecleaning bill that might get bogged down with this amendment.

Assemblyman Robinson said that he would check on the status of SB 37.

Jim Joyce said that he was not testifying as a lobbyist but as a person who has from time to time managed or consulted with candidates for election. He recalled that in 1967 when he was Executive Assistant to Howard Cannon party activists were putting demands on candidates by threatening to ostracize them if they did not support the party platform. He commented that in that year the Washoe County platform called for arbitrary unilateral withdrawal from Vietnam, that one of the small county platforms called for the bombing of Hanoi, that the state platform called for withdrawal with a few bombs thrown in and that the Clark County platform said keep up the good work but don't escalate. He added that he felt this declaration of candidacy was a loyalty oath.

Mr. Joyce stated that he had seen on the national, state and local level a lot of mischief made with party platforms by those who control the party and who are emotionally involved in key issues. He stated that he did not feel that mischief making should be a part of the political process and that he hoped the committee would remove the loyalty oath from Nevada politics.

Mr. Horn questioned whether this problem should be attacked by having the parties adopt a platform that was more representative of the people and Mr. Joyce responded that this could never be approached by legislation. He pointed out that any candidate running for city or national election was not required to sign any form of loyalty oath.

When Mrs. Cavnar questioned whether he was suggesting taking out the entire sentence as in the bill, Mr. Joyce said that he would recommend that because he felt that words like "generally" and "I support" could still bring about the mischief that he mentioned before.

Mr. Swackhamer asked the committee to be careful not to lose SB 37 if they decided to use it as a vehicle for this bill because SB 37 was a compilation of a series of bills which were needed for housecleaning.

Mr. Howard stated that he had no comments philosophically about this matter but that SB 37 represented three sessions of the legislature trying to pass a non-controversial bill and that he did not like the idea of rescinding that morning's action on SB 37.

Since there was no further testimony on this bill, Mr. Horn stated the committee would now hear testimony on SB 41.

SB 41: Authorizes state to purchase punchcard vote recording devices and lease them to counties.

Mr. Swackhamer explained that SB 41 was an effort to get the voting process uniform in the state. He added that up until now a computer was necessary for counting the punchcard votes but a hand counting device which was working very well was now available. He said that this bill requests an allocation of funds whereby his office could enter into a contract with a county to buy the equipment and lease it to them. He reported that the savings to the county in using fewer workers on election boards will pay for the system in a few elections, and the savings to the state would be in not having to purchase ballot paper which they are required by law to furnish to the counties. He added that the cost of the last purchase of ballot paper was \$8,000. He continued by saying that if this bill passes the state's assets will not change because the money will either be in the treasury drawing interest or there will be a signed contract with a county to repay the state with interest. He commented that with the punchcard system the chances of challenges are lessened, recounts are simplified and the savings to the state and counties will continue long after the equipment is paid for.

When Mr. Horn questioned whether this bill should be rereferred to Ways and Means, Mr. Swackhamer stated that although it will not cost the state any money, there is an allocation of funds.

Mr. Howard handed out a sheet showing costs of elections in each county and average cost per voter for the punchcard system as compared to the paper ballot system which is attached to these minutes as Exhibit D. He pointed out that with the punchcard system, besides savings, there is a more efficient, clean election, and he felt that this system would save the state some recount and some contest election figures.

When Mr. Horn questioned the cost of \$10.04 per vote in Eureka County, Mr. Swackhamer explained that this was because the cost of setting up an election is approximately the same in all the small counties, but that Eureka County has very few voters who are very widespread.

Mr. Bedrosian moved DO PASS AND REREFER TO WAYS AND MEANS SB 41, seconded by Mr. Malone and unanimously carried by members present who were Mrs. Cavnar, Mr. Bedrosian, Mr. Malone and Mr. Horn.

The committee decided to hold AB 596 until a future date in order to give it more thought.

Since there was no further business to come before the committee, Mr. Horn adjourned the meeting at 4:15 p.m.

Respectfully submitted,

Patricia Hatch

Patricia Hatch, Assembly Attache

(Committee Minutes)

60th NEVADA LEGISLATURE

ASSEMBLY ELECTIONS COMMITTEE

LEGISLATION ACTION

DATE APRIL 16, 1979

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

MOTION:

Do Pass Amend XX Indefinitely Postpone Reconsider

Moved By Mr. Malone Seconded By Mr. Bedrosian

AMENDMENT: See Exhibit A.

Moved By Seconded By

AMENDMENT:

Moved BY Seconded By

Table with columns: MOTION (Yes/No), AMEND (Yes/No), AMEND (Yes/No) and rows for members: BEDROSIAN, BARENGO, CAVNAR, HARMON, HICKEY, MALONE, HORN. Includes a TALLY row showing 4 Yes and 1 No for the motion.

ORIGINAL MOTION: Passed XX Defeated Withdrawn
AMENDED & PASSED AMENDED & DEFEATED
AMENDED & PASSED AMENDED & DEFEATED

60th NEVADA LEGISLATURE

ASSEMBLY ELECTIONS COMMITTEE

LEGISLATION ACTION

DATE APRIL 16, 1979

SUBJECT SB 41: Authorizes state to purchase punchcard vote recording devices and lease them to counties.

MOTION: DO PASS AND REREFER TO WAYS AND MEANS

Do Pass xx Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Bedrosian Seconded By Mr. Malone

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved BY _____ Seconded By _____

VOTE:	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
BEDROSIAN	<u>X</u>	_____	_____	_____	_____	_____
BARENGO	<u>absent</u>	_____	_____	_____	_____	_____
CAVNAR	<u>X</u>	_____	_____	_____	_____	_____
HARMON	<u>absent</u>	_____	_____	_____	_____	_____
HICKEY	<u>absent</u>	_____	_____	_____	_____	_____
MALONE	<u>X</u>	_____	_____	_____	_____	_____
HORN	<u>X</u>	_____	_____	_____	_____	_____
TALLY:	4	0				

ORIGINAL MOTION: Passed xx Defeated _____ Withdrawn _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDMENTS TO AB 147

Page 1, line 15: (a) Any public building within the precinct or voting district in which the precinct is located; or
(b) Any private building within the precinct.

lines 17, 18 and 19 delete (c) and (d)

Page 3, line 1: after convention delete the period [.] and add
"unless the meeting was scheduled, with proper notification, and no qualified electors of the party attend the meeting, the meeting shall be deemed to have been held and the seat shall be deemed as being vacant."

Page 3, line 1: after If the insert the word "delegate"
after position delete [of an elected delegate]

Page 3, line 3: after If there is delete [no designated alternate to fill]

Suggested amendment to AB 147, Evan J. Wallach, Counsel,
Clark County Democratic Central Committee

(1) (A): Delegates shall be allocated in a fashion that fairly reflects the expressed presidential preference or uncommitted status of the primary voters, except that preferences securing less than the applicable percentage of votes cast for the delegates to the National Convention shall not be awarded any delegates. The applicable percentage shall be calculated by dividing the number of national convention delegates to be elected in the congressional district or other smaller delegate selection unit into 100, provided however, that the applicable percentage shall be no higher than 25 percent. Such proportions of delegate votes shall be expressed as fractional votes or the nearest whole number of delegate votes as the rules of the particular national party or convention may provide.

LIONEL SAWYER & COLLINS

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PAUL R. HEJMANOWSKI
ROBERT D. FAISS
RICHARD G. CAMPBELL
DAVID N. FREDERICK
ANDREW S. BRIGNONE
DENNIS L. KENNEDY

JOHN R. LUSK
DAN C. BOWEN
CHARLES H. MCCREA, JR.
MARK A. SOLOMON
EVAN J. WALLACH
THOMAS A. PETERMAN
RODNEY M. JEAN
RAYMOND D. PIKE
LINDA B. RIEGLE
BARRY S. GOOLD
JERRY A. TRENBERTH

April 6, 1979

Nick Horn
Chairman of the Assembly
Elections Committee
Legislative Building
Room 222
Carson City, Nevada 89710

Dear Assemblyman Horn:

As counsel for the Clark County Democratic Party and the person appointed by the State Central Committee to oversee revision of the 1980 Presidential Delegate Selection Plan, I have been contacted by the Democratic National Committee which informs me that Nevada statutes are not in compliance with the National Delegate Selection rules.

Specifically they informed me that NRS 298.135(a) which sets a five percent (5%) limit for allocating delegates based on a rather complex formula involving the number of congressional districts in a state, the population and other factors. The National Committee came up with a figure of twelve percent (12%) for the 1980 selection process.

However, they suggest to me that Nevada revise its statutes simply to adopt by incorporation whatever formula the National Committee develops from election to election. As counsel, I am required to make my best efforts to achieve the suggested amendment and would appreciate any aid you can give me in obtaining it.

Obviously compliance is very important to the State since non-compliance may adversely affect our representation in the presidential selection process.

I am taking the liberty of also contacting Assemblyman

Nick Horn
April 6, 1979
Page 2

Paul W. May, Jr. as Speaker of the Assembly and Senator
James Gibson as Majority Floor Leader of the Senate.

Thank you very much for your courtesy in this matter.

Sincerely yours,

Evan Wallach

EVAN J. WALLACH

EJW/ja

298.125 Form of ballot. The form of presidential preference primary ballots shall be substantially as follows:

(Form of Ballot)

Party
Presidential Preference Primary
Instructions: If you desire to vote for any candidate, or if you desire to express a lack of confidence in all of the candidates, stamp a cross (X) in the square following your selection.

Presidential Candidates

(vote for one)

- (Name of candidate) []
(Name of candidate) []
(Name of candidate) []
(None of these candidates) []

(Added to NRS by 1973, 1095; A 1975, 476)

298.135 Casting, apportionment of delegate votes; delegates' pledges.

1. The delegate votes apportioned by the national committees or conventions of the political parties to the delegations of their respective parties from the State of Nevada shall be cast for at least two convention ballots in the following manner:

(a) Each candidate shall receive from the total number of delegate votes apportioned a number of delegate votes which is the same proportion as the number of votes he received is of the number of votes cast for that party. Such proportions of delegate votes shall be expressed as fractional votes or the nearest whole number of delegate votes as the rules of the particular national party or convention may provide.

(b) If any candidate, at any time subsequent to the presidential preference primary, releases the delegate vote, apportioned to him under the formula established in paragraph (a) of this subsection, the delegate votes originally apportioned to that candidate shall be distributed to the remaining candidates who have not released the delegate votes apportioned to them according to the proportion of votes each received of the total number of votes cast for those candidates. The delegate votes apportioned to any candidate shall be deemed to be released when that candidate so notifies, in writing, the chairman of the state delegation of his party.

2. In addition to the other requirements provided by law, to qualify as a delegate or alternate delegate, any person selected by his state political party convention to attend that party's national nominating convention shall within 2 weeks of his selection file with the secretary of state a pledge to act in accordance with the provisions of NRS 298.095 to 298.165, inclusive.

(Added to NRS by 1973, 1095)

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ELECTIONS

COST OF PRESIDENTIAL PRIMARY ELECTION
MAY 25, 1976

EXHIBIT

Compiled by
Wm. D. Swackhamer
Secretary of State

SB 447
SB 41

Counties	Total No. Votes Cast	Cost per Vote	Total Cost
Canon City PUNCHCARD	6793	\$ 1.87	\$12,762.10
Churchill PUNCHCARD	2719	1.71	4,660.64
Clark PUNCHCARD	56473	.90	51,219.42
Douglas PUNCHCARD	3566	1.56	5,564.79
Elko * PAPER BALLOT	3353	3.15	10,572.11
Esmeralda PAPER BALLOT	306	7.25	2,218.62
Eureka PAPER BALLOT	285	10.04	2,864.56
Humboldt * PAPER BALLOT	1550	2.95	4,599.82
Lander PAPER BALLOT	659	3.97	2,619.33
Lincoln PAPER BALLOT	845	2.71	2,295.00
Lyon * PAPER BALLOT	2747	2.29	6,295.00
Mineral PAPER BALLOT	1870	3.96	7,421.76
Nye PAPER BALLOT	1750	2.25	3,950.70
Pershing PAPER BALLOT	860	3.03	2,609.95
Storey PAPER BALLOT	449	2.38	1,073.75
Washoe PUNCHCARD	36244	.82	29,821.38
White Pine * PAPER BALLOT	2511	2.55	6,406.70
Totals	122,980	1.27	156,955.63

Average cost per voter for PUNCHCARD SYSTEM
Average cost per voter for PAPER BALLOT SYSTEMS

\$ 1.37
\$ 3.86

65% savings

280

EXHIBIT D

60th NEVADA LEGISLATURE

ASSEMBLY ELECTIONS COMMITTEE

LEGISLATION ACTION

DATE APRIL 17, 1979

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

MOTION: DO PASS AS AMENDED

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 _____

VOTE:	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
BEDROSIAN	<u>X</u>	_____	_____	_____	_____	_____
BARENGO	<u>X</u>	_____	_____	_____	_____	_____
CAVNAR	_____	<u>X</u>	_____	_____	_____	_____
HARMON	<u>X</u>	_____	_____	_____	_____	_____
HICKEY	_____	<u>X</u>	_____	_____	_____	_____
MALONE	<u>X</u>	_____	_____	_____	_____	_____
HORN	<u>X</u>	_____	_____	_____	_____	_____
TALLY:	5	2				

ORIGINAL MOTION: Passed XX Defeated _____ Withdrawn _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

Attached to Minutes April 17, 1979