

MEMBERS PRESENT: Chairman Glover
Vice Chairman Chaney
Mr. Beyer
Mrs. Ham
Mrs. Hayes
Mr. Hickey
Mr. Malone
Mr. Nicholas
Mr. Prengaman
Mr. Robinson
Mr. Sader

MEMBERS ABSENT: None

GUESTS PRESENT: Frank W. Daykin, Legislative Counsel
David Howard, Chief Deputy Secretary of State
Jan Needham, Deputy Legislative Counsel

Chairman Glover called the meeting to order at 3:00 p.m. in room 200. He informed the committee that he had asked Mr. Daykin to attend the meeting to give some technical information on previously heard bills.

SB 95: Removes conflicting statutory language respecting location of certain precinct meetings.

Mr. Frank Daykin, Legislative Counsel, introduced Jan Needham, one of his deputies, who had done some of the background research on the bills to be discussed.

Mr. Daykin explained that SB 95 was drafted to eliminate an inconsistency in the statutes. He said that in the section of NRS previous to the one addressed by SB 95 it states that a precinct meeting may be held in a public building outside the precinct and the change in wording in SB 95 from "in" to "for" removes the conflict of these two sections.

When Mr. Glover mentioned the problems in the past of moving meetings from one place to another at the last minute or holding meetings to far removed from the precinct, Mr. Daykin explained that this was covered in the previous section of NRS.

AB 74: Clarifies definition of "residence" for voter registration purposes.

Mr. Daykin pointed out that residence that is required for voting has two elements, actual physical presence and the intent to remain permanently. He explained that these two must coincide in order to be a legal residence. He noted that a constructive residence is one that is imputed to a person from an intention to establish a permanent residence.

without necessarily being physically present at the place chosen as a residence, but that once a residence has been established, it may be constructively retained while elsewhere. He pointed out that AB 74 refers to actual habitation as distinct from constructive habitation, and then exemplified a man who has a family in one place but goes to work in another place retains his residency where his family is.

When Mr. Hickey asked about a man without family who travels constantly, Mr. Daykin indicated that a residence is where you call home or simply the place to which you return.

Mr. Chaney asked Mr. Daykin if he felt that this bill accomplishes what was originally intended. Mr. Daykin replied that he was constrained in drafting this bill by the desires of the requester but that it did prohibit a person from using a post office box as a residence. Mr. Chaney then asked what about a person who moved from one place but intended to return to that place in a year and Mr. Daykin responded that he did not think this bill was attempting to deal with that type of situation. He added that if someone leaves one place with the intention of remaining somewhere else for an indefinite period of time, he has changed his residence, but if that person intends to return to that place at the end of some period of time, he retains his residence in that place.

Mr. Sader questioned the fact that Mr. Daykin repeatedly referred to intention but this bill says nothing about intention and whether the concept of intent could be constitutionally excluded from residency under the United States Constitution. Mr. Daykin observed that the tendency of the federal court decisions has been to tie residency more to physical presence and less to intent. He added that with the exceptions built into the Nevada Constitution we probably would not be compelled by Federal Constitutional considerations to demand intent as well. He noted that the Nevada Constitution demands that physical presence be required because it states, "who shall actively and not constructively have resided," but has no express requirement of intent in all cases.

Mr. Hickey asked Mr. Daykin for definitions of "constructive," "continuous" and "intent." Mr. Daykin replied that "continuous" means "not legally interrupted"; "constructive" is residence imputed from intent without necessarily having physical presence there which he felt the Nevada Constitution meant to ban; and "intent" was subjective purpose which has to be reasonably manifested by action.

When Dr. Robinson asked what the penalty was for voting more than once in an election, Mr. Daykin responded that merely voting twice was a misdemeanor but there could be a more serious charge of fraud for making false statements under oath at the time of registration.

When Dr. Robinson questioned whether AB 74 might make it more difficult for a person to register and thus defeat the purpose of getting more registered voters, Mr. Daykin answered that as far as registrars and registrants were concerned, he did not feel that this bill altered things that much.

Chairman Glover directed the committee's attention to AJR 13 and informed Mr. Daykin that the constitutionality of changing the percentages had been questioned in previous testimony.

AJR 13: Proposes constitutional amendment to change the number of petitioners needed to recall a public officer.

Mr. Daykin informed the committee that Jan Needham, his deputy, researched the law library for cases that might pertain to this but that she did not find any. He said that he did not see any reason, given the fact that the state constitution is being changed to prescribe this and that the state constitution is the only source of right to recall a public officer, why classifying counties by population or registered voters for purposes of recall would not survive the equal protection clause of the United States Constitution.

Mr. Malone suggested that the percentages should read "no less than" to allow leeway for more than the stated percentage. Mr. Daykin replied that the sense in which he read "must" was establishing the minimum number, but if "no less than" were to be added, he would do it by saying "for this purpose a number of registered voters not less than the number prescribed in the following sentence."

Mr. Glover asked Mr. Daykin to comment on the definition of independent candidate in AB 96.

AB 96: Broadens definition of "independent candidate" and makes certain other changes to election laws.

Mr. Daykin stated that this bill makes it clear that independent does not mean the candidate of a party that has independent in its name, and also that the person not running as the candidate of a political party does not have to be a person who registered without party affiliation. He added that if this change in the law were made, someone who was registered as a democrat or a republican could present himself as the independent candidate because he was not the nominee of the party in which he was registered.

Mr. Sader gave each member a copy of a letter from the Assistant Registrar of Voters of Washoe County requesting a change in the law designating the rates allowed for polling places (EXHIBIT A) and asked for a committee introduction of a bill to cover this request.

Mr. Hickey moved for a committee introduction of such a bill, seconded by Mr. Malone and unanimously carried by all members.

After the meeting David Howard, Chief Deputy Secretary of State, noted that there was a bill pending that could be amended to cover this change.

Mr. Glover thanked Mr. Daykin and Jan Needham for coming and called a two minute recess.

Chairman Glover called the meeting back to order and said that Mr. Hickey had expressed interest in working on the language in AB 74 and he appointed Mr. Hickey a subcommittee of one to work on AB 74 and report back to the committee.

Mr. Glover directed the committee's attention to SB 95. Dr. Robinson moved DO PASS on SB 95, seconded by Mr. Hickey and unanimously carried by the members of the committee.

Mrs. Hayes moved to INDEFINITELY POSTPONE AJR 13, seconded by Dr. Robinson and carried by a vote of seven to three with Mr. Sader, Mr. Prengaman and Mr. Glover voting no and Mr. Hickey abstaining.

Chairman Glover then directed attention to AB 75 and explained that this bill would eliminate post card registration for persons whose affidavit of registration had been cancelled.

Dr. Robinson said that he felt this bill needed changes because no date was specified for return of the card and notarization was required.

Mr. Glover pointed out that this bill only requires that a notice of cancellation of registration be mailed by March 15th of the year following the general election.

Mr. Beyer moved DO PASS on AB 75, seconded by Mr. Nicholas and carried by a vote of nine to two with Mr. Sader and Dr. Robinson voting no.

Mr. Glover then commented that AB 96 broadened the definition of independent candidate. Mr. Hickey moved to INDEFINITELY POSTPONE AB 96. The motion died for lack of a second.

Mr. Sader moved DO PASS on AB 96, seconded by Mrs. Hayes and carried by a vote of eight to three with Mr. Hickey, Dr. Robinson and Mr. Chaney voting no.

Since there was no further business, the meeting was adjourned at 3:50 p.m.

Respectfully submitted,

Patricia Hatch
Patricia Hatch, Secretary

WASHOE COUNTY

"To Protect and To Serve"



OFFICE OF
REGISTRAR OF VOTERS
DIANNE L. CORNWALL, Registrar

WASHOE COUNTY COURTHOUSE
POST OFFICE BOX 11130
RENO, NEVADA 89520
PHONE: (702) 785-4194

February 20, 1981

Assemblyman Bob Sader
Legislative Complex
Carson City, Nevada 89701

Dear Assemblyman Sader:

The Washoe County Registrar of Voters utilizes several privately owned facilities as polling places as there are no public buildings located within the precincts.

NRS 293.437 designates the rates allowed for polling places, i.e., \$15.00 when only one precinct is involved and \$25.00 if more than one precinct is involved.

During the recent elections it was brought to our attention that the rates paid were inadequate to offset the costs of utilities, heating and lighting, and the cleaning following each election.

Polling places are difficult to find and we cannot afford the loss of some we are currently utilizing.

We therefore would like to request an adjustment in rates to \$35.00 for one precinct and \$50.00 when more than one precinct is involved.

We would appreciate your consideration.

Sincerely yours,


Gene McDowell
Assistant Registrar of Voters

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61st SESSION NEVADA LEGISLATURE

ASSEMBLY ELECTIONS COMMITTEE

LEGISLATION ACTION

DATE FEBRUARY 24, 1981

SUBJECT SB 95: Removes conflicting statutory language respecting location of certain precinct meetings.

MOTION: DO PASS

Do Pass X Amend Indefinitely Postpone Reconsider

Moved By Dr. Robinson Seconded By Mr. Hickey

AMENDMENT:

Moved By Seconded By

AMENDMENT:

Moved By Seconded By

Table with columns: VOTE, MOTION (Yes/No), AMEND (Yes/No), AMEND (Yes/No). Rows include names like BEYER, CHANEY, HAM, HAYES, HICKEY, MALONE, NICHOLAS, PRENGAMAN, ROBINSON, SADER, GLOVER and a TALLY row showing 11 Yes and 0 No.

ORIGINAL MOTION: Passed X Defeated Withdrawn

AMENDED & PASSED AMENDED & DEFEATED

AMENDED & PASSED AMENDED & DEFEATED

Attached to Minutes February 24, 1981

61st SESSION NEVADA LEGISLATURE

ASSEMBLY ELECTIONS COMMITTEE

LEGISLATION ACTION

DATE February 24, 1981

SUBJECT AJR 13: Proposes constitutional amendment to change the number of petitioners needed to recall a public officer.

MOTION: INDEFINITELY POSTPONE

Do Pass ___ Amend ___ Indefinitely Postpone X Reconsider ___

Moved By Mrs. Hayes Seconded By Dr. Robinson

AMENDMENT:

Moved By ___ Seconded By ___

AMENDMENT:

Moved By ___ Seconded By ___

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
BEYER	X					
CHANEY	X					
HAM	X					
HAYES	X					
HICKEY	abstained					
MALONE	X					
NICHOLAS	X					
PRENGAMAN		X				
ROBINSON	X					
SADER		X				
GLOVER		X				
TALLY:	7	3				

ORIGINAL MOTION: Passed X Defeated ___ Withdrawn ___

AMENDED & PASSED ___ AMENDED & DEFEATED ___

AMENDED & PASSED ___ AMENDED & DEFEATED ___

Attached to Minutes February 24, 1981

61st SESSION NEVADA LEGISLATURE

ASSEMBLY ELECTIONS COMMITTEE

LEGISLATION ACTION

DATE February 24, 1981

SUBJECT AB 75: Changes procedure for notifying elector of cancellation of registration.

MOTION: DO PASS

Do Pass X Amend Indefinitely Postpone Reconsider

Moved By Mr. Beyer Seconded By Mr. Nicholas

AMENDMENT:

Moved By Seconded By

AMENDMENT:

Moved By Seconded By

Table with columns: VOTE, MOTION (Yes/No), AMEND (Yes/No), AMEND (Yes/No). Rows include names like BEYER, CHANEY, HAM, HAYES, HICKEY, MALONE, NICHOLAS, PRENGAMAN, ROBINSON, SADER, GLOVER and a TALLY row.

ORIGINAL MOTION: Passed X Defeated Withdrawn

AMENDED & PASSED AMENDED & DEFEATED

AMENDED & PASSED AMENDED & DEFEATED

Attached to Minutes February 24, 1981

61st SESSION NEVADA LEGISLATURE

ASSEMBLY ELECTIONS COMMITTEE

LEGISLATION ACTION

DATE February 24, 1981

SUBJECT AB 96: Broadens the definition of "independent candidate" and makes certain other changes to election laws.

MOTION: DO PASS

Do Pass X Amend Indefinitely Postpone Reconsider

Moved By Mr. Sader Seconded By Mrs. Hayes

AMENDMENT:

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: BEYER, CHANEY, HAM, HAYES, HICKEY, MALONE, NICHOLAS, PRENGAMAN, ROBINSON, SADER, GLOVER, TALLY: 8/3

ORIGINAL MOTION: Passed X Defeated Withdrawn

AMENDED & PASSED AMENDED & DEFEATED

AMENDED & PASSED AMENDED & DEFEATED

Attached to Minutes February 24, 1981

ASSEMBLY

AGENDA FOR COMMITTEE ON..... ELECTIONS.....

Date...TUESDAY, FEB. 24 Time... 3:00 p.m. Room... 200.....

Bills or Resolutions
to be considered

Subject

Counsel
requested*

- | Bills or Resolutions
to be considered | Subject | Counsel
requested* |
|--|--|-----------------------|
| AB 74 | Clarifies definition of "residence" for voter registration purposes. | |
| AJR 13 | Proposes constitutional amendment to change the number of petitioners needed to recall a public officer. | |
| AB 96 | Broadens definition of "independent candidate" and makes certain other changes to election laws. | |
| SB 95 | Removes conflicting statutory language respecting location of certain precinct meetings. | |