Assembly Committee on ELECTIONS

Date: April 6, 1981

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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: Assemblyman Robert Rusk, Minority Leader

Ted Thornton, Carson City Clerk, Treasurer

Stanton Colton, State Treasurer

David Howard, Chief Deputy Secretary of State

Robert Kerns, Reno

Diane Cornwall, Registrar of Voters, Washoe Co.

Chairman Glover called the meeting to order at 3:05 p.m. and directed attention to AB 138.

AB 138: Abolishes presidential preference primary elections.

Assemblyman Robert Robinson, District #8, said that the purpose of introducing this bill was to call attention to the cost of presidential primary elections and to determine what benefits are derived from this election. He noted that when this legislation was passed it was more or less on a trial basis and that the cost has proved to be more than expected and, in his opinion, was not very effective because by the time this election was held in Nevada, the outcome of the primary had already been decided. He felt that if nothing else was done at least the date of the election should be changed so the people of Nevada could feel that they had some influence in the outcome.

Dr. Robinson reviewed the percentages of voters who voted in presidential primary elections in which bond issues were also included as compared to elections where there was no bond issue. A list of these percentages are attached to these minutes as EXXIBIT A.

Dr. Robinson then reviewed statistics of the 1980 presidential preference primary of each county noting the cost per ballot cast which is attached to these minutes as EXHIBIT B. He reiterated his feeling that at the very least the date of this election should be moved back to where there would be more interest and where voters would feel that they had some influence in the outcome nationally.

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Dr. Robinson referred to an article by Michael Walzer, "Democracy vs. Elections" from the January 10, 1981 edition of The New Republic which is attached to these minutes as EXHIBIT C pages 1 through 3.

When Mr. Glover asked if he had another date in mind, Dr. Robinson noted that people are paying more attention to smaller states now and suggested possibly two or three months before the date set presently which is in May. He added that although non-partisan voters are not allowed to vote in a primary election, they, as taxpayers, help pay for it and suggested the possibility of non-partisan voters being able to vote in a preferential primary in whichever party they choose.

Mr. Hickey asked if he had considered regional voting where several states in the same area voted on the same day, and Dr. Robinson stated that he felt that this would make more sense or possibly a nationwide presidential preference primary rather than over a six or seven month period. He noted that even without any primary such as this people would still have input through their political party and their delegates to the national conventions.

Mr. Beyer commented that non-partisan voters were that by choice and when there was only one candidate running for an office, other parties did not have the opportunity to vote either. When he asked why a date in May was originally chosen, Dr. Robinson replied that he was not sure but thought it was because of the possibility of having the presidential preference primary in conjunction with city elections.

Chairman Glover directed attention to AB 197.

AB 197: Prohibits use of protective envelopes for ballots in punchcard voting systems.

Assemblyman Robert Rusk, District 28, downtown Reno, said that this request came from a constituent who questioned the necessity of the grey envelopes in which the ballots are placed after voting in light of the time and manhours needed to remove them for counting purposes, as well as the cost. He added that when he consulted the Washoe County Registrar of Voters, she indicated that these envelopes were used for privacy purposes. Mr. Rusk said that in checking further he discovered that these envelopes are not a definite requirement and that in Carson City they are only made available for use with about 20 percent usage overall. He felt that if it is an option within each county, there was probably no need for this bill.

Mr. Ted Thornton, Carson City Clerk, Treasurer, said that he had mixed emotions; that it was time consuming to remove the envelopes after the close of the polls; that it is difficult to ascertain if there is a ballot in the envelope; and that sometimes voters have left the envelope in a booth with the ballot in it. On the other hand, he noted that some people

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definitely want the privacy that they feel the envelopes afford and with regard to encouraging people to vote, he felt these envelopes should be made available in the booths for those who wanted them. He suggested cutting the corners or punching holes in the envelopes for easier observation of whether there was a ballot inside or not.

Mr. Thornton referenced NRS 293B.065 dealing with secrecy which says "punchcard voting systems shall secure to the voter secrecy in the act of voting." He noted that this is a broad statement, but pointed out that in a one or two question election it can easily be observed how a person voted.

When Mrs. Hayes asked if passing a law was necessary to deal with this, Mr. Thornton replied no that this is actually in the Secretary of State's rules to follow through with the above quoted statute dealing with secrecy.

Dr. Robinson commented on the "garbage can polls" where people go through the garbage cans outside a polling place collecting pre-marked sample ballots to see how the election is going and suggested that garbage cans be placed inside polling places and that sample ballots be mailed in envelopes so that names would not appear on the ballot itself.

When Mr. Beyer questioned the reason for a poll worker tearing off the ballot stub, Mr. Thornton indicated that this was so that the ballot itself lost all identity and the stubs could be used for checking voted ballot numbers. Mr. Stanton Colton, State Treasurer and former Clark County Registrar of Voters, interjected from the audience that the purpose was for removal of identity as well as preventing swapping of ballots.

Vice Chairman Chaney took over the meeting and asked Mr. Howard to testify.

David Howard, Chief Deputy Secretary of State, distributed ballots inside envelopes to each member of the committee. He stated that the reason that the regulation was written was because of one registrar of voters who refused to use the envelopes and many people complained because of the lack of secrecy. He commented that these envelopes can be made available or mandated but he felt protected ballots were good; that if they were not available the registrar of voters would be flooded with phone calls from those who felt their ballot was not secret.

As for the cost of these envelopes, Mr. Howard indicated that they cost \$42.50 per thousand and the majority are reusable from election to election. He added that they can also be used as another check on the number of votes cast.

When Mr. Sader asked if he felt that votes could be counted if the ballots were not protected, Mr. Howard said that he had

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actually discovered a poll worker doing this in Washoe County and had promptly dismissed him, so it can be done.

When Mr. Nicholas asked what happens if the holes do not punch completely out and pieces are left on the back, Mr. Howard replied that if this does happen there is a provision in the law providing for reproduction of a ballot.

When Mrs. Hayes asked if he would have any objections to this committee writing a letter to the secretary of state asking that the regulation be rewritten to make these envelopes optional, Mr. Howard replied that he would have no objections.

In response to Mr. Chaney's comment that people in older voting areas might object to unprotected ballots and to Dr. Robinson's suggestion that further instructions might be printed on the ballot envelope, Mr. Howard stated that usually any change in procedure of voting causes problems and that precinct workers are trained to watch all voters to be sure their ballots are placed in the ballot box.

Mr. Bob Kerns from Reno stated that he had lost an election by one vote and since then had learned that a person discovered a ballot from a prior election already in the envelope given to her at the polls. He suggested that if there are envelopes without the corners cut so that ballots are visible, this should be a requirement.

When Dr. Robinson asked if it was possible to identify a ballot with an election, Mr. Colton responded that ballots are a different color for each election and are punched on the bottom indicating party and precinct.

Assemblyman Rusk commented that the amount of manpower and time needed to separate ballots from envelopes should be taken into consideration. Mr. Colton explained that this separating is done by the workers in each precinct so that time involvement is minimal. He added that the primary use of these envelopes is for secrecy which the people of this country are guaranteed in their vote.

When Dr. Robinson asked if the envelopes are kept separate by precinct, Mr. Colton replied that all materials from one precinct are kept separate from all others and that the envelopes used are kept separate from those not used in each precinct.

Vice Chairman Chaney asked for testimony on AB 195.

AB 195: Bans use of building as polling place if building has same name as candidate.

Assemblyman Jane Ham, District #16, said that the first part of the bill is clean-up language and the intent of the bill is in lines 18, 19 and 20 dealing with having a polling place with the Minutes of the Nevada State Legislature

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same family name as a candidate on the ballot. She indicated that this happened to her in the last election and has happened to others since 1972. She noted that there was no way of knowing if people voted for her opponent because the name of the school used as a polling place had the same name or because that name also appeared on the outside of the sample ballot. She indicated that there were two other schools within the district that could be used for polling places, but when she petitioned the Clark County Registrar of Voters to change polling places, she was told that there were not enough schools and that the voters were familiar with the present school. She added that this bill could be amended to say that if the polling place that bears the same name is in a different voting district from the district that the candidate is running in, then that polling place would be acceptable. Mrs. Ham expressed the hope that this bill would not be considered frivolous because she feels that it is not right or fair to have to vote at a polling place with the same name as your opponent.

When Mrs. Hayes questioned what would happen with a common name like Smith or Jones, Mrs. Ham responded that the bill could be amended to read first and last name.

Mr. Hickey commented that he did not feel this bill was important, that it was the candidate that counted not the polling place. He pointed out the cost of changing polling places, the ten percent advantage that an incumbent has and that a candidate must prove himself under any circumstances.

Mr. Chaney pointed out that being first in an alphabetical listing is also considered an advantage.

Diane Cornwall, Registrar of Voters for Washoe County, stated that while she could understand how disconcerting it might be to have a polling place with your opponent's name on it, this bill would present problems for Registrars of Voters in that they work within very tight time frames in conducting elections. She indicated that the assignment of polling places is done far in advance of an election but the final slate of candidates is not known until the third Wednesday in July. She pointed out that if a candidate with the same name as a polling place filed on the last day of filing, this would leave the registrar only 30 to 35 days to notify about 2,000 voters of a change of polling She noted that polling places are difficult to find, the majority are schools and that Washoe County in the next election will only have one assembly district voting at a particular polling place causing a need for more.

When Mr. Sader asked if changing polling places at the last minute would entail an expense to her office, Mrs. Cornwall replied that it would mean staff overtime because of the already large workload after the last day of filing.

When Mrs. Hayes asked if this had ever happened in Washoe County, Mrs. Cornwall responded that she understood that it did.

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When Mr. Chaney commented that it was difficult for people to change polling places, Mr. Howard reported that one time when they moved the polling place from the front to the rear of the same building, it had caused more problems than at any other time in his five years as registrar of voters.

Since there was no further testimony on this bill, Mr. Howard asked if he could answer Mr. Beyer's question on AB 138.

AB 138: Abolishes presidential preference primary elections.

Mr. Howard indicated that the date for presidential preference primary elections was established in 1975 to coincide with the primaries in Idaho, Washington and Oregon so that a regional primary would be held on the fourth Tuesday in May. He added that this is no longer a valid reason since Washington and Oregon have since changed their date.

Mr. Colton commented that in checking statistics they discovered that in the years when a presidential preference primary had been held, the turnout at the state primary election in September was substantially lower. Mrs. Cornwall commented that this had also been their experience, that people were confused by the two primaries.

Mr. Colton pointed out that state law requires that for each election preparation be made for 110 percent of the registered voters which causes excess expense in low turnout elections.

Vice Chairman Chaney informed the committee that decisions on these bills would be made at a future work session and that following this meeting Mr. Hickey would explain new reapportionment maps for Clark County.

Since there was no further business, the meeting was adjourned at 4:20 p.m.

Respectfully submitted,

Patricia Hatch Secretary

<u>AB 138</u>

PERCENTAGES OF VOTERS

NO BONDS		BONDS	
40.3 42.3 40.6 42.8 47.5 48.5 41.7 43.0 42.5 26.3	Carson Churchill Douglas Esmeralda Eureka Lander Lyon Pershing Storey White Pine	48.5 59.8 52.0 43.2 63.0 59.2 56.8	Clark Elko Humboldt Lincoln Mineral Nye Washoe
41.5	Average	54.7	Average

CAST *

Counties

YOTERS

238,960

TOTAL ** COST COST

			TOTTAL	C0 5T	ballada a a a a a a a a a a a a a a a a a
Carson City	12453	5023*	40.3	15,401 03	Ballot cast
Churchill	5341	2262*	42.3	487955	215
Clark	117,381	57112	48.6	2906341 **	.51
Douglas	7,146	2901*	40.6	746899	2.57
Elko	6,227	3727	59.8	935989 **	251
Esmeralda	579	248*	42.8	3,42691 + 36	1.01 1.38
Eureka	547	260*	47.5	5,700 59	
Humboldt	3.095	1612	52.0	5,799.59	23.30
Lander	1,766	857*	48.5	534869	
Lincoln	1 (2)	753	43.2	3964 ²⁹ **	6.24
Lyon	FOUL	2431*	41.6	5,764	
Mineral	0 77 7	1785	63.0	7584.82	311
Nye	4.016	2380	59.2	кж	
ersbing	1,462	629*	43.0	*****	/ (9
torey	816	347*		421293	
	62,945	35779	42.5	110 11 - 00 44	4 EXHIBIT
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mic rine		(A) (A)	26.3	7 78200	(_19 \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\

* non PARTISAN VOTERS were not eligible to vote-but share the cost ** Counties with 155Ues placed upon ballot shared cost of election

their skills would be worth six figures on the open market but perversely decline to obtain such private compensation, FS officers are not fully satisfied with the pay package. One candidly admits that since he doesn't see any way to stop the Service's eclipse, more money and perks are the only realistic way to shore up sagging morale. The bill also defines what FS officers mean when they say they are "worldwide available"—and it had better mean they are available for Georgetown, Guyana, and well as Georgetown, District of Columbia.

It's ironic that the State Department, with its reputation for being less hard-line than the National Security Council, should look forward so avidly to the Rea-

gan administration. But there is the feeling that things under Reagan will be different, and couldn't possibly be worse. There is also the hope that perhaps Reagan really means it when he says he wants to see State reclaim its primary role in foreign policy. That sort of promise prompts visions of a return to glory dancing in some officers' heads. Days of past glory that didn't exist in the 1950s era of McCarthyism, or in the 1960s with the ruinous effect of Vietnam, or in the 1970s, which saw the further emasculation of State. But you can't blame anyone for hoping.

Emily Yoffe

Emily Yoffe is a Washington writer.

The New Republic

Primaries have ruined our politics.

DAN 10-198

Democracy vs. Elections

by Michael Walzer

Something is wrong with the way we choose presidents. I don't just mean that something went wrong in 1980. Something is structurally wrong. Columnists and editorial writers have been full of complaints. The process goes on too long, they say. It takes too much money, or more money than the candidates can raise legally. Running for president is incompatible with doing anything else, and so unemployed politicians have an advantage, even if they are unemployed for good reasons. A narrow victory in a small state where few people bother to vote makes too much of a difference. All these are justified complaints, but they don't get at the root of the matter, which is simply that the primary system is a disaster. Primaries are indeed a way of sorting out candidates, but they systematically leave us with the worst ones. Why?

Ostensibly, primaries are the democratic way of choosing candidates, and the fight for more primaries and for open primaries (in which people can vote for either Republican or Democratic candidates) has been a democratic fight. Once the voters could only choose between two candidates, themselves chosen by party bosses. Now, many reforms later, they choose among a large number; every would-be president in the country is running, men and women with serious ambitions, single-issue candidates, politicians speculating on the future. The people have broken into the innermost citadel of the parties; there are no back rooms left

for the bosses. The reform movement has been driven by a simple creed: the more primaries, the more participants, the more democracy. If the resulting process is exhausting, then we can simplify it and make it even more democratic by eliminating the states with their uneven populations and uneven political effects, and establishing regional or national primaries. This would only make things worse. But the problem is not too much democracy.

The defenders of primaries never have come to grips with the requirements of a party system, even of a party system as attenuated as ours is (or was, for now it is not so much attenuated as disintegrated). Democratic politics generated parties for a reason. The purpose of a party system is to provide us with candidates who represent a certain set of interests, not some random, self-selected portion of the general electorate. Its purpose is also to provide us with candidates whose positions are widely and dependably known and who are likely to stand by those positions because they are tied into a stable network of commitments and alliances. A democracy needs candidates of this sort, or the election loses all political form, and degenerates into a public relations contest. And only candidates like this can govern effectively. Only candidates who have support within their party and who can mobilize its members, both during and after the campaign, can attempt serious political initiatives once they are in

office (or, out of office, lead an effective opposition).

If this is right, then the candidates must be chosen by the active members and the local and national leaders of the party. After that the citizens as a whole, those who have been involved in the nominating process and those who have not, choose between (or among) the parties and their leaders rather than among some assortment of would-be leaders. Leaders come with labels attached, testifying to their commitments and associates. The citizens act, then, exactly as President Carter, in the last week of his campaign, asked the American people to act: pay attention, he told us, to my party label. But he had not been chosen by any such process as I have just described, and hardly looked like a Democrat. Nor did any of us have any clear sense of how he would act if reelected.

American parties always were loosely organized, the national organization little more than an alliance of state parties, urban machines, national and local notables, and so on, most often without a strong center. Still, it makes sense to say that there once were parties—parties capable of sustaining loyalty. Sometimes the local organizations were run by local tyrants, party bosses who ruled by patronage and corruption and turned the courts and the police into partisan weapons. But there also are examples of democratically integrated and disciplined parties—the Democratic (Farmer-Labor) parties of Wisconsin and Minnesota, for example, which produced a succession of politicians who were (mostly) faithful party men and women, and among the most attractive recent American leaders.

COMETIMES, at least, the party provided a local presence, a place to work, a source of services. And beyond that, there was some sort of articulated structure reaching toward the national level, so that one might hope that attending a ward committee meeting was an act not totally meaningless in terms of the politics of the country as a whole. The leaders of the ward had connections among the leaders of the city, and they in turn were connected to state leaders, who had connections in Washington. No doubt it never worked quite like that, or not only like that. American politics always has had room for celebrities, coteries, informal alliances. But the party provided one network, however rough and ready, for choosing and controlling political leaders and for mobilizing followers. The very existence of bosses testified that there was something of value to be had through party organization. Where there was a boss, there was something to be hoped for by his overthrow. But today there is hardly any party organization at all, nothing to be bossed, nothing to be taken over by citizen-reformers.

The decline of party in the United States antedates the recent upsurge in primary democracy. It has many causes, which I cannot take up here. But the new centrality of primaries in the selection of presidential candidates clearly has accelerated the decline. Once

primaries are established, and especially once open primaries are established, the state and local organizations lose their hold. The candidate makes his appeal not through an articulated structure but through the mass media. He doesn't negotiate with local leaders, speak to caucuses, form alliances with established interest groups. Instead, he solicits votes, as it were, one by one. And he solicits votes among all the registered voters, without regard to their attachment to the party, interest in or loyalty to its programs, or willingness to work for its success. In turn, the voters encounter the candidate only in their living rooms, on the television screen, without political mediation. Voting itself is lifted out of the context of parties and platforms. It is more like impulse buying than political decision-making. The expert in advertising is the most important adviser a candidate can have.

PRIMARY campaign is like a raid. The candidate A and his personal entourage, together with a few attached professionals, make-up artists for the face and mind, descend upon a state. No local ties are necessary. The endorsement of state notables is of little importance; increasingly it only demonstrates the weakness or disconnection of the notables themselves. Money is crucial, and so is the kind of organization that might be put together for any advertising campaign. What seems to me dangerous about all this is not that I don't know the candidate who invades my state in search of my vote: people like me never knew him. What is dangerous is that no one that I know knows him. We have no firm expectations as to how he will behave once in office. We have no way of enforcing whatever expectations—pious hopes, leaps of faith we allow ourselves. For it is not his party loyalty, his stand on issues, his ties to other politicians (whose support he will need later on) that count, but only his "personality"-the image he projects, the mask he

Television debates, it is now clear, make all this much worse, both at the primary and then at the electoral level. The candidates stand before us as individuals in a contest, not as spokesmen for factions, parties, or interests. The format of the debate and the necessary time constraints of state or national television virtually preclude serious discussion of the issues. We are invited, again, to focus on images: how the candidates look; how much they sweat; how confident, calm, and cool they appear to be. And the nature of the contest makes every slip of the tongue so dangerous and every candidate so careful that these television spectaculars are unutterably boring, a profound discouragement from politics. I would prefer a torchlight parade to a television debate: at least I would learn something about the candidate from the men and women with whom he chooses to march.

This description of the primary process fits most closely, I suppose, the Carter campaign of 1976, the seizure of the Democratic party by the gang from

Georgia. But it also helps explain the success of Senator McGovern, who grasped the possibilities of the new system before anyone else, and of Ronald Reagan, the perfect media candidate and harbinger of things to come. And it suggests some of the reasons for the persistent disappointments of well-established party leaders: Humphrey, Muskie, Jackson, Bayh, Baker, and so on—the sorts of men who might have been chosen had the choice been left up to their colleagues and peers.

How should the choice be made? I am not a political engineer, and it may be that I shall manage to express only a certain hankering for an older form of democracy, inappropriate to a mass society and insufficiently accessible to the mass media. But it is worth asserting as a fundamental principle that parties and countries are different sorts of organizations and that their leaders should be chosen by different procedures and by different groups of people. The leaders of the country should be chosen by its citizens: here the goal is the largest possible participation of informed men and women. The leaders of the party should be chosen by a much smaller group: here the goal is to represent those men and women who are actually tied to the party and who play some part in its life between elections. American parties are not, and are most unlikely to be turned into, membership organizations. They are unlikely, that is, to become parties on the European model. It makes no sense, then, to propose primaries or caucuses limited to party members. In general, closed primaries, in which only registered Democrats, say, can vote for Democratic candidates, are better than open primaries. And caucuses, in which some further token of commitment is required—namely, a willingness to come to a meeting—are better than primaries of any sort. But the preferred procedure, it seems to me, at both the state and national level, is the oldfashioned party convention.

MEAN THE party convention with all its festive and ritual character as well as its deep political purpose—with its convention floor and its back rooms, too. Ideally two different groups of people should be present at the convention: party activists, chosen in precinct, town, and city caucuses; and elected officials, councillors, mayors, governors, representatives, and senators. (In the Democratic party it probably would make sense to find some way of representing labor unions too, though their members might do well enough in the caucuses.) Since the activists tend to be overbalanced toward the left among the Democrats, or toward the right among the Republicans, the elected officials provide a kind of ballast. They represent a larger constituency and are sensitive to the requirements of electoral, as well as of ideological, politics. On the other hand, the activists embody the possibility of party rebellions against elected officials, even against a standing president. It is important to keep that possibility open if the rule of bosses is to be

avoided. In the recent past, it has been the primary system that has enabled ambitious politicians or candidates committed on some issue or set of issues to challenge a standing president: thus McCarthy in 1968 and Kennedy in 1980. These were dramatic moments in the history of the Democratic party. But though I was a supporter of both challengers, I am not inclined to say that the primary system provided Democrats with the best chance actually to debate the isues or to find their way to a resolution that served the interests of the party (or the country) as a whole. Open caucuses at the local level and open conventions at the state and national level might well have been better.

FCOURSE, the conventions must be open—not in the sense that anyone can attend, but in the sense that delegates are not bound in advance to vote for any particular candidate. The debate over this issue at the last Democratic convention was a wonderful piece of collective idiocy, not least because both sides had a perfectly valid point. It makes no sense to have primaries if the elected delegates can ignore the results. It makes no sense to have conventions if the delegates are nothing more than automatons, beyond the reach of argument and negotiation. But if both these propositions are true, then we have to conclude that it makes no sense to have primaries. For argument and negotiation are the very essence of any intelligible political process. What ought to happen at a convention is that the leaders and activists of the party, responsible to different groups within it, meet and argue about issues and personalities, about running a successful campaign and exercising power after that. They bargain over issues and offices. Some of this should go on in public; some of it shouldn't. That is not because the bargains are necessarily sordid but simply because they are bargains. The men and women who work them out need a chance to explain them to their supporters—and to put the best possible color on them too-before they are broadcast to the country at large. They know that the argument will be renewed another time, but they are prepared not to say that in public for the sake of the celebrations on the floor and the coming campaign.

A convention is a mixture—a politic mixture—of publicity and concealment, festival and negotiation. I don't doubt that it can go badly sometimes, but one possible result is a candidate capable of rallying the party and committed to behave in a certain ways, to press certain policies, if he wins. In primaries, by contrast, there can be no mixture. Everything goes on in public, and so the candidate is a public relation—really related, that is, to no one. We have aimed at a perfectly transparent political process, and the result is that we are ruled by masked men and movie actors. We need a process within which real people can function, within which policies can be worked out and alliances forged before the election itself—so that when we finally vote we have some firm sense of what we are doing.

ASSEMBILY

AGENDA FOR COMMITTEE ON ELECTIONS

Date MONDAY, APRIL 6 Time 3:00 p.m. Room 200

_	Bills or Resolutions to be considered		Counsel requested*	
	7 2 2			
	AB 195	Bans use of building as polling place if build has same name as candidate.	ding	
	AB 197	Prohibits use of protective envelopes for ball in punchcard voting systems.	lots	
	AB 138	Abolishes presidential preference primary elec	ctions.	