

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

MEMBERS ABSENT: Mr. Hickey

GUESTS PRESENT: Senator Jean Ford
David Howard, Chief Deputy Secretary of State
Diane Cornwall, Registrar of Voters, Washoe
County
Richard Reed, Clark County Republican Central
Committee
Gene McDowell
Assemblyman Joe Dini

Chairman Glover called the meeting to order at 3:05 p.m. in Room 200. He said the committee would consider SCR 53 first while waiting for Senator Ford.

SCR 53: Requests Council of State Governments and National Conference of State Legislatures to study regional primaries for presidential candidates.

Since Senator Ford arrived, Chairman Glover asked her to speak on SCR 53.

Senator Jean Ford said that SCR 53 suggests that there is merit in regional presidential primaries which has been considered nationwide. She noted that Nevada's original date for a presidential primary was the same as Oregon with regional primaries in mind and SCR 53 asks the Council of State Governments and the NCSL to consider this concept. For two years Senator Ford has represented Nevada on the Ethics, Elections and Reapportionment Committee of the National Conference of State Legislatures which meets quarterly; this committee is made up of legislators and staff and is the body which would consider this resolution and report the prospects of a regional primary.

Mr. Glover asked Dr. Robinson's opinion of this resolution, and Dr. Robinson commented that the next presidential election was less than three years away and wondered how long it would take the NCSL to take action. He also noted that California very seldom sent delegates to the NCSL to which Senator Ford replied that the chairman of the Ethics, Elections

replied that the chairman of the Ethics, Elections and Reapportionment Committee of the NCSL is a Senator from California.

Mr. Glover felt that there was merit in holding a regional primary and was worth looking into. Dr. Robinson also felt there was merit, that the purpose of a regional primary was to attract candidates to appear and speak in a group of states where they might not appear for an individual primary.

Mrs. Ham asked if this would conflict with the bill passed by the Assembly which sets the date of the second Tuesday in March for the presidential preference primary. Dr. Robinson said that the date must be a significant one and possibly the other states would agree to our date.

Senator Ford indicated that Oregon, Idaho and Nevada at present have their primaries on the same day; California, Montana and New Mexico have theirs on the same day; Utah does not have a presidential preference primary.

Since there were no further comments or questions on SCR 53, Chairman Glover moved on to SB 454.

SB 454: Transfers responsibility for preparing ballot questions and explanations for initiated and referred measures.

Senator Jean Ford, Clark County Senate District #3, said that SB 454 emanated from discussions in the Senate Judiciary Committee early in the session dealing with constitutional amendments which, after passing two sessions of the legislature, are defeated at the polls by the voters. She recalled that at the last election there were inaccurate statements in the explanations of the amendments on the ballots, causing confusion and misunderstanding among the voters. She advised that this bill will place the authority and responsibility for writing the condensation and pro and con arguments for the ballots with the legislature which would in turn give them to the secretary of state.

In reviewing the bill, Senator Ford indicated that the "first committee of reference" is the committee to which the bill is originally referred; that upon the request of that committee the staff would prepare, for any issue to be placed on a statewide ballot, a condensation and explanation, including arguments for and against, of the measure. This condensation and explanation would then go back to the original committee for approval and be sent to the floor of that house for adoption by a simple resolution, entered into the Journal, and sent to the secretary of state. Senator Ford indicated that, if the legislature adjourns before passage by both houses, the legislative commission would confer with the members of the committee and approve the explanation before sending it to the secretary of state.

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In regard to initiatives, Senator Ford said that the secretary of state would still be responsible because the legislature would have no knowledge of these initiatives, but the secretary must consult with the attorney general in preparing the explanation.

Mr. David Howard, Chief Deputy Secretary of State, agreed that there were problems in 1980 which led them to attend all meetings where Joint Resolutions for ballot placement were being discussed; that this has proved to be fruitful. He felt that the legislature should have responsibility for writing these explanations because of direct access and input, and he and Mr. Swackhamer support this measure.

Mr. Howard pointed out that there is no date specified for submission of these explanations by the legislative commission if the legislature has adjourned. He suggested adding "must be completed by April 1 of the year in which the general election is to be held." He also wondered, since this function will be the responsibility of the legislature if this bill passes, if the cost of printing will be shared equally or will remain in his office; that this is not a part of this bill but should be given consideration.

Senator Ford pointed out that this was partly answered on page 2, lines 14 through 16 which address the distribution of these explanations by the Legislative Counsel Bureau, and since the bill is silent on the distribution to county clerks and registrars, she presumed that this would be the responsibility of the secretary of state. She agreed with Mr. Howard on a date certain.

Mr. Sader suggested that "must be completed by April 1 of the year in which the general election is to be held" be added on page 2 line 9 after "to the secretary of state."

When Mr. Nicholas inquired if another amendment were needed to cover the cost of printing, Mr. Howard said no and Senator Ford indicated that this would be covered by the process that is spelled out in the bill.

Since there were no further comments on SB 454, Chairman Glover directed attention to SB 597.

SB 597: Makes various changes in provisions regarding elections.

Senator Ford said that SB 597 was the product of the subcommittee appointed to review the election laws. She indicated that there are no substantial changes on page 1; that on page 2, line 20 adds notification of the secretary of state. She noted that present law allows for a Mailing Precinct Ballot Board and an Absent Ballot Central Counting Board but does not require that the Mailing Precinct Ballot Board count in public; there is another part of the law that allows the Absent Ballot Central Counting Board to act as the Mailing Precinct Ballot Board;

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if the absent board acts as the mailing board, page 2 of SB 597 requires the board to count the ballots in public. Senator Ford said that Section 3 on page 2 merely requires polls to open at 7 a.m. and close at 7 p.m. as stated elsewhere in the law.

As indicated by Senator Ford, Section 4, page 3, begins to deal with problems of contest: Line 16 adds pollbooks to the list of documents that must be placed in a vault for 60 days; lines 21 and 22 provide for inspection by any elector of pollbooks containing signatures of those who voted; lines 26 through 28 provide for inspection of all material relating to an election except for the ballots. She noted that these provisions could have solved many of the problems of contested elections in the past.

When Mr. Glover asked why ballots cannot be inspected, Senator Ford said that they can be inspected by court order which is addressed in subsection 4, lines 29 through 33.

Senator Ford said that Section 5 on page 2 addresses the question of a tie in a general election for U. S. Senate, Member of Congress or a state office and provides that the legislature by joint vote, elect one person; in a primary election a tie in these offices will be decided by the secretary of state by lot. She noted that present law has no requirement for resolving ties in primary elections.

Mr. Howard commented that the only alternative to this would be to call a special session.

Senator Ford said that Section 6 relates to a primary election and new language has been added which requires that all material regarding a contest be filed in triplicate; Section 7 deals with a contest in a general election of legislators; Section 8 provides for election of a contestant by the legislature on the first day of session and adds new language which allows dismissal of the contest if a contestant withdraws. She noted that present law requires hearing and decision on contests as prescribed by the standing rules of the house in which it is heard; that the Senate has added rules to cover contests and the Assembly may want to do the same.

Continuing Senator Ford indicated that Section 10 defines election boards; that Section 11 adds this definition to the election laws; Section 12 refers to the accuracy tests performed before counting ballots and allows inspection of these tests by order of the court.

In researching the law Senator Ford said they found that the boards listed in lines 13 through 17 in Section 13, page 6, had no requirement for equal representation of political parties; therefore, new language addressing this was added on lines 21 and 22.

When Mr. Sader asked if this would mean a proportionate representation of each party, Senator Ford said that the intent was that equally as possible indicates parties on the board, not proportion of voters in that area to party; that they felt that all parties should have at least one representative on the board.

Mr. Glover questioned what would happen if, for example, in a small county there was only one person who belonged to a political party who had questionable ethics, could this cause litigation. Mr. Howard responded that the county clerk has full authority for appointment under the law. He noted that in his experience the people who serve on these boards are usually from the county clerk's or registrar's office.

Senator Ford said she thought there was plenty of flexibility because the boards are optional, the number serving on the board is optional, the appointees must be registered voters and a person can serve on more than one board.

Section 14 addresses the procedure for filling a vacancy where there is more than one county involved. Senator Ford indicated that SB 597 creates a two-step process: First, the commissioners of each county meet separately in their own county and nominate one person from that county; secondly, when the three counties meet, the chairman of the board casts the vote from that county but the vote is proportionate to the percent of the population of that county to the whole.

In response to Mr. Glover's question, Mrs. Ford replied that in some instances a district could be made up of pieces of three counties and in this case they would be casting the vote in a proportionate amount to the piece that county had to the whole district under question.

Dr. Robinson commented that someone has to determine population figures, and Mr. Howard said that the newly enacted tax bill makes the governor responsible for determining the population in all counties the first of January of every year which could be used in this instance also. Dr. Robinson said that it might be wise to have the people who are working on the reapportionment maps make a list of the fractional parts of each county.

Mr. Howard suggested basing the percentage on the number of registered voters, and Mr. Sader commented that the concept of one man, one vote and the fact that Assembly districts are based on population could cause a problem.

Mr. Nicholas suggested that if any special census were taken, this should be taken into consideration also.

Mr. Sader thanked Senator Ford on behalf of the committee for all her hard work on these election laws.

AB 645: Makes various changes in provisions relating to elections.

Dianne Cornwall, Registrar of Voters for Washoe County, said that AB 651 and AB 645 have contradictory amendments. She read a letter which she had written to Chairman Glover that is attached as EXHIBIT A.

Chairman Glover said that AB 651 will not be processed, so Ms. Cornwall directed her remarks to AB 645 as contained in EXHIBIT A.

Mrs. Ham noted that paragraph 5 under Section 9 requires that deputy registrars return all affidavits upon close of registration and that changing the time in paragraph 4 from 5 to 10 days was good for Clark County.

Mr. Beyer pointed out that in regard to Ms. Cornwall's concern over maintaining flow of affidavits into her office, each deputy registrar will be on an independent schedule and even with a ten day requirement an even flow will be maintained.

Ms. Cornwall continued reading from EXHIBIT A in regard to NRS 293B.360 with the suggestion that appointments to the various election boards be made 30 to 40 days prior to an election and that these appointees serve for both the primary and the general election. She also would like to have training of election boards mandatory.

Richard Reed, Chairman of the Clark County Republican Central Committee, said that he served as chairman of a five member committee to study election law reform and the final report, attached as EXHIBIT B was submitted to Chairman Waterman of the Democratic Central Committee in Clark County, Chairman Ken Haller of the State Democratic Committee and to the Washoe County democrat chairman. He noted that he had personally spoken with Chairman Waterman who had indicated his support and the support of the state and the north for the proposed changes as outlined in EXHIBIT B and incorporated in AB 645.

Mr. Reed reviewed the proposed changes and the rationale for each change as contained in EXHIBIT B. Mr. Reed disagreed with Ms. Cornwall in regard to changing the time for deputy registrars to return affidavits to ten days. He pointed out several reasons for allowing ten days: The price of gas; most deputy registrars are volunteers; the affidavits must be presented in person to the registrar of voters; the distance that must be traveled in rural counties.

Mr. Nicholas commented that in Incline Village, as in other outlying parts of Washoe County, they have county buildings where documents may be taken for transportation daily to the county offices in Reno.

Mr. Reed pointed out that the time for returning affidavits after the close of registration will not be changed but will remain five days. Ms. Cornwall indicated that she realized this but was still concerned over extending the time during registration from five to ten days.

In discussion of the cost of a recount and the requirement of only depositing half of the estimated cost, Mr. Reed exemplified a recent Assembly district recount as costing approximately \$7,500 and Mr. Howard exemplified a statewide race recount of several years ago costing \$12,000. Mrs. Hayes emphasized that she did not feel the state should be responsible for any cost of a recount and that a full deposit should be made. Mr. Reed said that he thought that this idea of splitting the cost between the candidate and the state came from the possibility that the computer count could be in error.

Mrs. Hayes pointed out that only requiring half of the cost will make it easier for a candidate to demand a recount, and Mr. Reed noted that the provision that the difference in votes must be either $\frac{1}{2}$ of 1 percent or 100 votes or less will lessen the number of recounts allowed. Mrs. Hayes reemphasized her concern with depositing only half of the cost of recount.

Mr. Howard said that on page 6 lines 15 and 18 the office of the secretary of state and the attorney general have difficulty with the ideology of the word "major" and recommend that it be changed to "qualified."

Since there was no further testimony on AB 645, Chairman Glover requested testimony on AB 652.

AB 652: Increases permissible rental fee for polling places.

Gene McDowell, Assistant to the Registrar of Voters in Washoe County, said that this bill was a result of conversation with persons who are custodians of private buildings utilized for elections; that in Washoe County out of approximately 65 polling places ten are privately owned. Due to inflation these owners have requested of Mr. McDowell the ability to raise their rents for the use of their buildings for elections. He noted that an increase is well deserved and would not cause much burden to the county.

Chairman Glover said that the committee would now consider AB 630.

AB 630: Simplifies election districts for county commissioners.

Assemblyman Joe Dini said that in reviewing the Charter of the City of Henderson they found that wards were based on the number of registered voters which is unconstitutional; AB 630 provides for creation of districts on population figures rather than

registered voters. He added that AB 630 also provides for five commissioners if a county so wishes; that several counties have already done this. He added that if this concept is approved, there are other sections of the law that must be amended.

The committee approved the concept of AB 630 and Mr. Dini said he would get the amendments drawn to address the other parts of the law that will be affected.

Chairman Glover informed the committee that they would meet the next day at 3:00 p.m. to take action on some measures.

Since there was no further business, the meeting was adjourned at 4:55 p.m.

Respectfully submitted,



Patricia Hatch
Secretary

WASHOE COUNTY

EXHIBIT A

"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

May 15, 1981

✓
TO: Hon. Alan Glover, Chairman
FROM: Dianne L. Cornwall
SUBJECT: A.B. 651 and A.B. 645

I am writing with regard to the above referenced bills and my subsequent confusion after review of both.

A.B. 645, section 7, amends NRS 293.403 with a clarification of the individual with whom the candidate files for recount, and amends the amount of deposit required for the recount. A.B. 651, section 1, NRS 293.403, does not include the clarification found within A.B. 645 relative to the individual with whom the candidate files for a recount, does not amend the amount of deposit required for recount, but does amend the definition of "canvass" by deleting NRS 293.403(2)(b), while A.B. 645 does not include the amended definition of canvass. I assume the two amendments can be refined and coordinated with one another.

I also have additional comments on each assembly bill.

A.B. 645

Section 9, NRS 293.505(4), is amended to allow deputy registrars to hold completed affidavits of registration 10 days before returning them vs the 5-day limit now imposed. I firmly believe this will result in problems for the Voter Registration offices.

The deputy registrar program is frustrating at best for the Registrar of Voters and imposes a great threat of error at worst. There is always the small segment of deputy registrars who are dependable, intelligent, hard-working and conscientious. There is always the large segment of deputy registrars who are not dependable, lose affidavits of registration, "forget" to turn affidavits of registration in and in general are difficult to work with.

Out of four elections conducted in the 1980 election year, not one close of registration passed without a deputy registrar or two who "forgot" to turn in completed affidavits, thereby disenfranchising the voters. Fortunately, my staff traced the missing affidavits in time to hand-add the electors to the rosters.

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During conduct of an election, the Registrar's staff is pressed to its very limit of productivity. There is very little time to spend on the effort of tracing documents. A letter is sent to every deputy registrar reminding them of the impending close of registration and urging them to return their completed affidavits by the specified time. It is also necessary for the Registrar's staff to encode all registrants as quickly as possible due to the deadlines imposed by statute. During conduct of elections, the encoding workload is unusually heavy. If the deputy registrars hold completed affidavits for five additional days, it will negatively affect the Registrar staff's ability to meet all deadlines.

It is my fear that if the amount of time that the deputy registrars can hold completed affidavits is increased from 5 days to 10 days, the chance of their misplacing the affidavits becomes greater. In the end, it is not the deputy registrar that suffers but the potential voter or the Registrar of Voters' office.

I urge you and the members of your committee to maintain the 5-day limit.

NRS 293B.360(3)

I feel it is a good idea to include members from the major political affiliations on the various boards used during election day. This was a suggestion I made to the Washoe County political parties, and Clark County already uses the proposed method.

However, I strongly suggest that the appointments be made 30 to 40 days prior to the election and that the individuals appointed for the primary also serve during the general election.

Earlier appointment would allow the Registrar's office more of an opportunity to train the individuals selected by the various parties. The counting of ballots on election night is a high-pressure, hectic situation. If individuals unfamiliar with computer terms and equipment are appointed to serve without training, they will be confused on election night. It is imperative that these individuals understand the processes used so that they can participate to their fullest.

It would be helpful to add an additional paragraph to the above amendment making the training mandatory, i.e., requiring the appointed individuals, or requiring the Registrar of Voters, to provide a class on election night procedure so that the appointees will have some insight and knowledge relative to the ballot counting process. Training is conducted for deputy registrars and board workers, all of whom are integrally involved in the election process.

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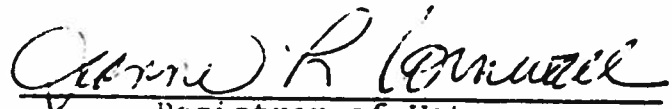
I believe the educational component is a very important one not only to the Registrar of Voters, but to the individuals involved as well. The individuals now serving on the computer program and processing accuracy board, ballot duplicating board and ballot processing and packaging board all have careers, or have had careers, in the data processing field and have served Washoe County elections for a number of years. Knowledge about computer systems is a certain requisite to conducting fast and accurate counting on election night.

A.B. 651

Line 19, NRS 293.425 states, "1. If the contest is for the office of assemblyman or state senator, one original and two copies of a statement of contest prepared as provided in NRS 293.407, and one original and two copies of all depositions, ballots and other documents relating"

The amendment makes it appear as though one original and two copies of the ballots would need to be submitted. While I understand this is not the intent, the language does need some modification for clarity.

If you or your committee members have any questions to which I may respond, please do not hesitate to contact me.



Registrar of Voters

DLC:rp
cc: Members of the
Committee on Elections

CLARK COUNTY REPUBLICAN CENTRAL COMMITTEE

FINAL REPORT

OF

THE COMMITTEE ON ELECTION LAWS REFORM

Richard R. Reed, Chairman

Eleanor Mills

Lucille Lusk

Tom Lorentzen

Alvin Wartman

Following its appointment by Chairman Ace Robison, this committee has endeavored to examine the present makeup of the Nevada election laws with a view toward proposing certain amendments in that makeup. The approach was not a complete overhaul of all existing statutes, but rather a specific examination of certain areas which, by reason of negative experiences of the past, were deemed appropriate for change.

Contained in the following pages are proposed amendments to the statutes listed below which are dealt with in the same order:

- NRS ✓ 293.135 Precinct meetings of registered voters prior to county convention: Date, time and place; notice.
- ✓ 293.143 County central committee: Number.
- ✓ 293.155 Rules of county, state conventions; proxies; unit rule of voting prohibited.
- ✓ 293.160 State, county central committees; Election of officers, executive committee; other powers.
- ✓ 293.165 Vacancy in party, nonpartisan nomination: How filled.
- ✓ 293.166 Vacancy in party nomination for office of state senator, assemblyman from multi-county legislative district: How filled.
- ✓ 293.403 Recount of vote: Demand; advance deposit of costs; "canvass" defined.
- ✓ 293.405 Costs of recount; commencement and completion of recount.
- ✓ 293.505 Deputy registrars: Appointment, powers and duties.
- ✓ 293B.360 Creation of special election boards; appointment of officers.

In each instance, the committee's proposed amendment is immediately preceded by a copy of the existing reading of the statutory provision in question.

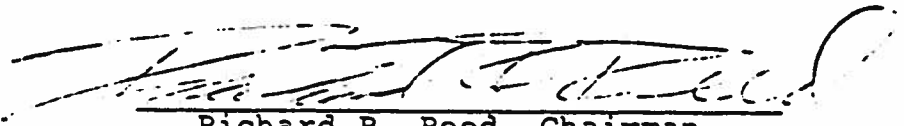
It is anticipated that this report will be submitted to the Nevada Legislative Council Bureau and to the Nevada Legislature with the hope that the proposed amendments will be enacted into law during the current (1981) session of that legislature.

On each page containing the committee's proposed amendment the reader will find a brief explanation or rationale of the committee's reasons for the particular proposal.

The committee recognizes that this report does not embody all of the needed changes in existing election laws, and acknowledges that at some time in the future the Nevada legislature should undertake a more thorough election law reform. However, the committee submits that the enclosed proposals are such that they would and should survive such an undertaking.

Respectfully Submitted,

The Committee On Election Laws Reform



Richard R. Reed, Chairman

Eleanor Mills

Lucille Lusk

Tom Lorentzen

Alvin Wartman

PRESENT READING

293.135 Precinct meetings of registered voters prior to county convention: Date, time and place; notice.

1. The county central committee of each political party in each county shall cause a precinct meeting of the registered voters of the party residing in each voting precinct entitled to delegates in the county convention; which must be called and held on or before the fifth day preceding the dates set by the respective state central committees, but not later than the fifth day before the 2nd Tuesday in April in each year in which a general election is held.

2. The meeting must be held in one of the following places in the following order of preference:

(a) Any public building within the precinct;

(b) Any public building within the county, to accommodate any number of precincts; or

(c) Any private building within the precinct.

3. The county central committee shall give notice of the meeting by:

(a) Posting in a conspicuous place outside the building where the meeting is to be held at least 5 days prior to the date of such meeting.

(b) Publication at least 5 days prior to the date of such meeting in one or more newspapers of general circulation in the precinct, published in the county, if any are so published. The notice must be printed in conspicuous display advertising format of not less than 10 column inches, and must include the following language, or words of similar import:

NOTICE TO ALL VOTERS REGISTERED
IN THE (STATE NAME OF POLITICAL PARTY)

Nevada state law requires each political party, in every year during which a general election is held, to cause a precinct meeting to be held in each precinct. All persons registered in that party and residing in that precinct are entitled to attend the precinct meeting. Delegates to your party's county convention will be elected at the meeting by those in attendance. Set forth below are the time and place at which your precinct meeting will be held, together with the number of delegates to be elected from each precinct. If you wish to participate in the organization of your party for the coming 2 years, attend your precinct meetings.

4. The notice must specify:

(a) The date, time and place of the meeting; and

(b) The number of delegates to the county convention to be chosen at the meeting.

(Added to NRS by 1960, 239; A 1967, 1128; 1971, 436; 1973, 594; 1979, 1350)

Summary - Clarifies provisions regarding places where precinct meetings may be held.

Section 1. NRS 293.135 is hereby amended to read as follows:

293.135 1. The county central committee of each political party in each county shall cause a precinct meeting of the registered voters of the party residing in each voting precinct entitled to delegates in the county convention, which must be called and held on or before the fifth day preceding the dates set by the respective state central committees, but not later than the fifth day before the 2nd Tuesday in April in each year in which a general election is held.

2. The meeting must be held in one of the following places in order of preference:

(a) Any public building within the precinct *for single precincts; or any public building in reasonable proximity to accommodate multiple precincts; or*

~~(b) Any public building within the county, to accommodate any number of precincts; or~~

~~(c) (3) Any private building within the precinct.~~

3. The county central committee shall give notice of the meeting by:

(a) Posting in a conspicuous place outside the building where the meeting is to be held at least 5 days prior to the date of such meeting.

(b) Publication at least 5 days prior to the date of such meeting in one or more newspapers of general circulation in the precinct, published in the county, if any are so published. The notice must be printed in conspicuous display advertising format of not less than 10 column inches, and must include the following language, or words of similar import:

NOTICE TO ALL VOTERS REGISTERED
IN THE (STATE NAME OF POLITICAL PARTY)

Nevada state law requires each political party, in every year during which a general election is held, to cause a precinct meeting to be held ~~in-~~ *for* each precinct. All persons registered in that party and residing in that precinct are entitled to attend the precinct meeting. Delegates to your party's county convention will be elected at the meeting by those in attendance. Set forth below are the time and place at which your precinct meeting will be held, together with the number of delegates to be elected from each precinct. If you wish to participate in the organization of your party for the coming 2 years, attend your precinct meetings.

4. The notice must specify:

(a) The date, time and place of the meeting; and

(b) The number of delegates to the county convention to be chosen at the meeting.

RATIONALE: This proposed change would make clear that one building may be used for multiple precinct meetings. To require one building for each precinct meeting is an undue and expensive burden.

PRESENT READING

293.143 County central committee: Number. The county central committee of a political party to be elected by the county convention of such party shall consist of such number of members as may be determined by the convention, but each voting precinct, entitled to one or more delegates in the convention, shall have at least one committeeman, and no precinct shall have more than three.
(Added to NRS by 1960, 240)

PROPOSED CHANGE

293.143 County central committee: Number.

. . . The county central committee of a political party to be elected by the county convention of such party shall consist of such number of members as may be determined by the convention, but each voting precinct, entitled to one or more delegates in the convention, shall have at least one committeeman, and no precinct shall have more committeemen than the number of county convention delegates permitted under the provisions of NRS 293.133, supra.

RATIONALE: In order to broaden the representation of a political party in its own central committees, it is submitted that the individual precincts should not be limited to a maximum number of three committeemen, as 293.143 now reads, but rather should be allowed to expand their representation as population in the precinct increases, limited in the same manner as the graduated formula of 293.133 provides with regard to delegates to the county conventions.

NOTE: The following page is a copy of NRS 293.133 for reference.

PRESENT READING

293.155 Rules of county, state conventions; proxies; unit rule of voting prohibited.

1. Except as otherwise prescribed in this chapter, the state and county party conventions may each adopt its own rules, and each shall be the judge of the election of its own delegates.

2. In case of the inability of a delegate personally to attend a state or county convention, he may be represented and act by a duly appointed proxy; but no person shall be entitled to act either as a delegate or as a proxy at any convention unless he is a duly qualified elector of the county or precinct which he seeks to represent, nor may he act as a proxy unless he is a member of the same political party as the delegate he represents.

3. Adoption or application of the so-called unit rule of voting, whereby the votes of all delegates from any precinct or precincts, or county or counties, are required to be cast in the manner determined by the majority of delegates from such precinct or precincts, county or counties, and against the protest of a minority of such delegates, in the proceedings of any state or county party convention is prohibited.

(Added to NRS by 1960, 241)

PROPOSED CHANGE

Summary - Removes provision relating to proxy representation at county or state conventions, which may conflict with the rules adopted by a party's National Committee.

Section 1. NRS 293.155 is hereby amended by deleting section 2.

293.155 1. Except as otherwise provided in this chapter, the state and county party conventions may each adopt its own rules, and each shall be the judge of the election of its own delegates.

~~2. In case of the inability of a delegate personally to attend a state or county convention, he may be represented and act by a duly appointed proxy; but no person shall be entitled to act either as a delegate or as a proxy at any convention unless he is a duly qualified elector of the county or precinct which he seeks to represent, nor may he act as a proxy unless he is a member of the same political party as the delegate he represents.~~

~~3. Adoption or application of the so-called unit rule of voting, whereby the votes of all delegates from any precinct or precincts, or county or counties, are required to be cast in the manner determined by the majority of delegates from such precinct or precincts, county or counties, and against the protest of a minority of such delegates, in the proceedings of any state or county party convention is prohibited.~~

RATIONALE: It is submitted that the legislature should not be involved in the making of rules for the ~~casting~~ casting of votes in party conventions. The rules of the national parties have, at times, been in conflict with the provisions of sub-section 2 of the above statute. Whether proxies or alternate delegates are used should be left up the the appropriate party convention itself. By deleting sub-section 2, sub-section 1 would allow the parties to make their own rules governing this situation.

PRESENT READING

.293.160 State, county central committees: Election of officers, executive committee; other powers.

1. Each state central committee and each county central committee may elect from its membership an executive committee and shall, except as otherwise provided in this chapter, choose its officers by ballot.

2. Each committee and its officers shall have general charge of the affairs of the party in the state or county, as the case may be, and have the powers usually exercised by such committees and officers thereof, subject to the provisions of this chapter.

(Added to NRS by 1960, 241)

PRESENT READING

293.165 Vacancy in party, nonpartisan nomination: How filled.

1. A vacancy occurring in a party nomination for office may be filled by a candidate designated by the appropriate political party central committee of the county or state, as the case may be, where:

(a) The nominee dies after the primary election and before the 3rd Tuesday in September.

(b) The only person who has filed a declaration or acceptance of candidacy dies after the close of filing and before the primary election.

2. A vacancy occurring in a nonpartisan nomination after a primary election and before the 3rd Tuesday in September shall be filled by the person who received the next highest vote for such nomination in the primary.

3. No change shall be made on the ballot after the 3rd Tuesday in September of the year in which the general election is held. If a nominee dies after that date, his name shall remain on the ballot and, if elected, a vacancy shall exist.

4. All designations and petitions provided for in this section shall be filed before 5 p.m. of the 3rd Tuesday in September. In each case, the statutory filing fee shall be paid and an acceptance of the nomination or designation shall be filed before 5 p.m. of the 3rd Tuesday in September.

(Added to NRS by 1960, 242; A 1965, 668; 1967, 845; 1971, 437)

PROPOSED CHANGE

293.165 Vacancy in party, nonpartisan nomination: How filled.

1. Any vacancy occurring in a party nomination for office before the 3rd Tuesday in September may be filled by a candidate designated by the appropriate political party central committee of the county or state, as the case may be.

2. (no change)

3. No change shall be made on the ballot after the 3rd Tuesday in September of the year in which the general election is held. If a vacancy occurs after that date, the name of the nominee shall remain on the ballot and, if elected, a vacancy shall exist.

4. (no change)

RATIONALE: At present, there is no statutory or other means by which a vacancy in a candidacy may be filled, unless the vacancy is the result of the nominee's death. Consequently, if a vacancy occurs due to any other reason, the major political parties of the state and counties are effectively denied representation for that particular office.

PRESENT READING

293.166 Vacancy in party nomination for office of state senator, assemblyman from multi-county legislative district: How filled.

1. A vacancy occurring in a party nomination for the office of state senator or assemblyman from a legislative district comprising more than one county may be filled by the appropriate political party as provided in subsection 2 where:

(a) The nominee dies after the primary election and before the 3rd Tuesday in September.

(b) The only person who has filed a declaration or acceptance of candidacy dies after the close of filing and before the primary election.

2. In filling such a vacancy, the chairman and two other members of the county central committee, chosen by the committee, from each

county all or part of which is included within the legislative district, shall meet as a joint selection committee under the chairmanship of the chairman from the most populous county. If no person receives a plurality of the votes of the joint committee, the representatives of the respective counties shall each as a group select one candidate, and the nominee shall be chosen by drawing lots among the persons so selected.

3. No change shall be made on the ballot after the 3rd Tuesday in September of the year in which the general election is held. If a nominee dies after that date, his name shall remain on the ballot and, if elected, a vacancy shall exist.

4. The designation of a nominee pursuant to this section shall be filed with the secretary of state before 5 p.m. of the 3rd Tuesday in September, and the statutory filing fee shall be paid with the designation.

(Added to NRS by 1967, 1087; A 1971, 437)

PROPOSED CHANGE

293.166 Vacancy in party nomination for office of state senator, assemblyman from multi-county legislative district: How filled.

1. Any vacancy occurring in a party nomination for the office of state senator or assemblyman from a legislative district comprising more than one county before the 3rd Tuesday in September may be filled by the appropriate political party as provided in subsection 2.

2. (No change)

3. No change shall be made on the ballot after the 3rd Tuesday in September of the year in which the general election is held. If a vacancy occurs after that date, the name of the nominee shall remain on the ballot and, if elected, a vacancy shall exist.

4. (No change)

RATIONALE: Same as for 293.165, supra.

PRESENT READING

293.403 Recount of vote; Demand; advance deposit of costs; "canvass" defined.

1. After the canvass of the vote in any election, any candidate defeated at such election may demand and receive a recount of the vote for the office for which he is a candidate if:

(a) Such demand is made within 5 days after the certification of the abstract of votes; and

(b) He deposits in advance the estimated costs of the recount with the county clerk or secretary of state. The estimated costs of the recount shall be determined by the county clerk or secretary of state based on regulations promulgated by the secretary of state defining the term "costs."

2. As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate voted for in more than one county.

(b) In any general election, the canvass of the supreme court.

(Added to NRS by 1960, 263; A 1965, 1255; 1975, 940; 1977, 237)

PROPOSED CHANGE

293.403 Recount of vote: Demand; advance deposit of costs; "canvass" defined.

1. After the canvass of the vote in any election, any candidate defeated at such election may demand and receive a recount of the vote for the office for which he is a candidate. Such a demand must be made within 5 days after the certification of the abstract of the votes.

(a) If the margin of difference between the highest vote getter and the next highest vote getter is less than $\frac{1}{2}$ of 1% of the difference between their individual vote totals or no more than 100 votes, whichever is the smaller figure, the defeated candidate may demand a recount pursuant to the requirements of this section. Such a person must deposit 50% of the estimated costs of the recount as determined by the county clerk or Secretary of State based on regulations promulgated by the Secretary of State defining the term "costs". This amount shall be deposited with the county clerk or Secretary of State no later than 5 days after the certification of the abstract of votes. If the difference between any two candidates exceeds this figure the defeated candidate shall be required to pay the full cost of the recount.

2. (a) & (b) (No change)

RATIONALE: The proposed changes would reduce the expense of the recount procedure and, in addition, facilitate the use of the recount procedure as a check or balance upon the vote-counting process.

PRESENT READING

293.405 Costs of recount; commencement and completion of recount.

1. If the candidate who demanded the recount does not prevail, and it is found that the sum deposited was less than the cost of the recount, the candidate shall, upon demand, pay the deficiency to the county clerk or secretary of state, as the case may be. If the sum deposited is in excess of the cost, the excess shall be refunded to him.

2. If the candidate who demanded the recount prevails, the sum deposited with the secretary of state or county clerk shall be refunded to the candidate and the cost of the recount shall be paid as follows:

(a) If the recount concerns an office for which voting is not statewide, the cost shall be borne by the counties which conducted the recount.

(b) If the recount concerns an office for which voting is statewide, the clerk of each county shall submit a statement of its costs in the recount to the secretary of state for review and approval. The secretary of state shall submit the statements to the state board of examiners, which shall repay the allowable costs from the reserve for statutory contingency fund to the respective counties.

3. Each recount shall be commenced within 3 days after demand, and shall be completed within 3 days after it is begun. Sundays and holidays shall not be excluded in determining each 3-day period.

(Added to NRS by 1960, 263; A 1965, 1255; 1977, 237)

PROPOSED CHANGE

293.405 Costs of recount; commencement and completion of recount.

1. (No change)

2. (a) & (b) (No change)

3. Each recount shall be commenced within 5 days after demand, and shall be completed within 5 days after it is begun. Sundays and holidays shall not be excluded in determining each 5-day period.

RATIONALE: To bring this sub-section in line with the proposed changes for 293.403, supra. The change is from the present 3-day period to the proposed 5-day period.

PRESENT READING

293.505 Deputy registrars: Appointment, powers and duties.

1. All justices of the peace, except those located in county seats,

are ex officio deputy registrars for the purpose of carrying out the provisions of this chapter.

2. The county clerk may appoint registered voters as deputy registrars, who shall register voters within the county for which they are appointed. Except as provided in subsection 1, a candidate for any office may not be appointed or serve as a deputy registrar. Deputy registrars so appointed shall serve at the pleasure of the county clerk and shall perform their duties as the county clerk may direct.

3. Deputy registrars may demand of any person who applies for registration all information required by the affidavit of registration, and may administer all oaths required by this chapter.

4. When a deputy registrar has in his possession five or more completed affidavits of registration, he shall forward them to the county clerk, but in no case may he hold any number of such forms for more than 5 days.

5. Immediately after the close of registration, each deputy registrar shall forward to the county clerk all completed affidavits in his possession. Within 5 days after the close of registration for a general election, a deputy registrar shall return all unused affidavits in his possession to the county clerk.

6. Deputy registrars shall submit to the county clerk an alphabetical list of names of electors registered by him, giving the serial number of the affidavit used for each named registrant.

7. Each deputy registrar shall post notices sent to him by the county clerk for posting in accordance with the election laws of this state.

8. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

(Added to NRS by 1960, 272; A 1975, 942)

PROPOSED CHANGE

293.505 Deputy registrars; Appointment, powers and duties.

1. (No change)
2. (No change)
3. (No change)
4. When a deputy registrar has in his possession five or more completed affidavits of registration, he shall forward them to the county clerk, but in no case may he hold any number of such forms for more than 10 days.
5. (No change)
6. (No change)
7. (No change)
8. (No change)

RATIONALE: Sub-section 4 of the above statute now provides that the affidavits may not be held for more than 5 days. It is submitted that with the increased and increasing cost of gasoline, an undue burden is being placed upon deputy registrars by requiring them to deliver affidavits to the central office with such frequency.

PRESENT READING

293B.360 Creation of special election boards; appointment of officers.

1. To facilitate the processing and computation of votes cast at any election conducted under a punchcard voting system the county clerk shall create a computer program and processing accuracy board, and may create:

- (a) A central ballot inspection board;
- (b) An absent ballot mailing precinct inspection board;
- (c) A ballot duplicating board;
- (d) A ballot processing and packaging board; and
- (e) Such additional boards or appoint such officers as he deems necessary for the expeditious processing of ballots.

2. The county clerk may determine the number of members to constitute any board. He shall make any appointments from among competent persons who are registered voters in this state. The same person may be appointed to more than one board but must meet the particular qualifications for each board to which he is appointed.

3. All appointees shall serve at the pleasure of the county clerk.
(Added to NRS by 1975, 1529)

PROPOSED CHANGE

293 B.360

1. To facilitate the processing and computation of votes cast at any election conducted under a punchcard voting system, the county clerk shall create:

- a) a computer program and processing accuracy board;
- b) a central ballot inspection board;
- c) an absent ballot mailing precinct inspection board;
- d) a ballot duplicating board;
- e) a ballot processing and packaging board; and

May create:

f) such additional boards or appoint such officers as he deems necessary for the expeditious processing of ballots.

2. The County Clerk shall mail written notices to the chairman of the County Central Committees of at least two of the principal political parties, instructing the county chairman to appoint representatives to these boards. The membership of these boards shall, as nearly as practicable include equal representation from the major political parties. The same person may be appointed to more than one board but must meet the particular qualifications for each board to which he is appointed.

3. The County Chairman of each party shall recommend names to the Registrar of Voters for appointment not later than 20 days before the Primary and General Elections.

Rationale: These changes would give the party more representation in the vote counting process. It is felt that with the computerized punchcard voting system, party representatives knowledgeable in computer processing should be included in this process.

NOTE: This proposed change would require the deletion of 293B.375 (1) and the deletion of the last sentence of 293B. 385 (1) as duplicative.

ASSEMBLY

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

Date MONDAY, MAY 18 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 652	Increases permissible rental fee for polling places.	
AB 630	Simplifies election districts for county commissioners.	
SB 597	Makes various changes in provisions regarding elections.	
AB 645	Makes various changes in provisions relating to elections.	
SCR 53	Requests Council of State Governments and National Conference of State Legislatures to study regional primaries for presidential candidates.	
SB 454	Transfers responsibility for preparing ballot questions and explanations for initiated and referred measures.	