

NEVADA'S REGISTRATION LAW

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NEVADA LEGISLATIVE COUNSEL BUREAU

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CARSON CITY, NEVADA

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FOREWORD

The Nevada Legislative Counsel Bureau is a fact-finding organization designed to assist legislators, State officers, and citizens in obtaining the facts concerning the government of the State, proposed legislation, and matters vital to the welfare of the people. This office will always be non-partisan and non-political; it will not deal in propaganda, take part in any political campaign, nor endorse or oppose any candidates for public office.

The primary purpose of the Bureau is to assist citizens and officials in obtaining effective State government at a reasonable cost. The plan is to search out facts about government and to render unbiased interpretations of them. Its aim is to cooperate with public officials and to be helpful rather than critical. Your suggestions, comments, and criticisms will greatly aid in accomplishing the object for which we are all working -- the promotion of the welfare of the State of Nevada.

PREFACE

During the 1951 Session of the Nevada Legislature, the Assembly adopted Assembly Resolution No. 14 which memorialized the Legislative Counsel Bureau to study Nevada's election laws and the problems incidental thereto, with the view of reducing fraud, making voting easier for the average voter, increasing the speed of vote counting, and generally modernizing and improving the election laws.

The Constitution of the State of Nevada contains a number of provisions having to do with the right of suffrage and other matters pertaining to elections. Age and residence qualifications are set forth, as well as provisions for persons in the armed forces to vote, requiring elections by ballot, registration, poll tax, canvass of returns, and the date of general elections.

There are three major and separate laws governing registration, primary elections, and general elections. There are other laws defining legal residence, nonpartisan officers and offices, duties of registry agents, and acknowledgments, oaths, and affirmations by persons in the armed forces; requiring that electors be given an opportunity to vote; prohibiting employers from preventing employees engaging in politics; providing for absent voting, voting by soldiers, and voting in small precincts. There is a law setting forth how U. S. senators shall be elected, and another providing for the manner of nomination and election of presidential electors.

A study of Nevada's registration law appears to be the first and primary consideration, since most of the difficulties have arisen in this field.

The study begins with a general discourse, on the subject of registration, summarizes the Nevada law, summarizes the model registration system recommended by the National Municipal League, discusses the registration laws of other states, and, lastly, devotes a chapter to twenty-three recommendations designed to improve Nevada's registration system. It is to be noted that the second chapter summarizing the Nevada law is in outline form, with headings and sub-headings identical to those in the third chapter summarizing the model registration system, thus enabling an item by item comparison between the two. The recommendations were agreed upon after consultation with various county clerks in Nevada. It is regretted that lack of time and funds prevented extensive consultation with all the county clerks.

The Legislative Counsel Bureau gratefully acknowledges the valuable assistance of Mr. John Koontz, Secretary of State, State of Nevada; Mrs. Helen Scott Reed, Clerk, Clark County; Mr. Harry K. Brown, Clerk, Washoe County; Mrs. Geraldine Lamb, Clerk, Ormsby County; Mr. Arthur Y. Lloyd, Director, Legislative Research Commission, State of Kentucky; and the National Municipal League.

Copies of the study may be obtained free of charge from the Nevada Legislative Counsel Bureau, Carson City, Nevada.

J. E. SPRINGMEYER
Legislative Counsel

NEVADA'S REGISTRATION LAW

I. INTRODUCTION

It is impossible to estimate the number of names that are illegally registered in Nevada under the provisions of that certain act regulating the registration of electors for general, special, and primary elections. Consequently, it is impossible to estimate the actual extents of the success or failure of the present registration law to achieve its purpose. No one should assume that a major portion of these names are voted illegally. Purgation is largely a clerical process, and the failure to purge illegal names is not proof that precinct election officers would permit those names to be voted. However, incorrect registration roles furnish an unquestioned opportunity for election frauds.

The saying that "An honest electoral system lies at the very base of popular government" has become trite, yet, the statement remains true. The first step in the conduct of such elections is to set the qualifications of voters. The second step is for those persons who meet these qualifications to establish that fact through a system of registration. The purpose of registration is to compile a list of qualified voters sufficiently prior to the election so that the public can have opportunity to assure itself that none but properly qualified voters will participate in the approaching election. Of course, if the election is conducted properly, those who have not registered cannot vote, except in states where previously registered voters may vote on affidavit.

Registration as a means of establishing the right to vote is a relatively new development. In the early days when the country was predominately rural, and almost every citizen in a community knew every other citizen, registration was unnecessary. As urbanization has continued the idea of registration has spread, and the methods of registration have developed and improved. The primary purpose of preventing election frauds has remained uppermost throughout this development. The various types of fraud which registration seeks to avoid are voting by persons who have moved away, voting the graveyard, voting by persons not qualified, voting under fictitious names, repeating, and chain voting.

The first registration law in this country was enacted by Massachusetts in 1800. Other states followed slowly. The first laws were adopted by states with large cities, and registration was required only in these cities. As time went on the public found that voting frauds were not confined to the large cities, and gradually registration was extended to small cities and in many states to rural areas as well. Nevada's first registration law was enacted in 1865, and at present registration is required in all states except Arkansas and Texas, where voting lists are compiled from tax lists, and in Vermont where the select men's check list is used.

In the operation of a registration system, many problems and questions arise such as the treatment of rural areas and cities of different sizes. Missouri, for example, has separate registration procedures applying to five population classes of cities, and two types of county organization, again dependent upon population. Also, the relative merits of periodic registration and permanent registration with purgation machinery is a fundamental question in the development of a registration system.

An effective registration and purgation law can be drafted only after mature consideration of the political tradition, governmental organization, and unique problems of a state. The first task is to review and analyze the present Nevada law in terms of whatever criteria are available in an effort to determine its effectiveness. No blueprint or totally objective set of standards is available; registration and purgation, like other social and political questions, involve problems too complex for standardized solutions of universal application.

As will be seen, Nevada's registration law is similar in many respects to the model law provisions approved by the National Municipal League. If the recommendations of the League were accepted as a suitable standard for comparison, the Nevada law probably would be classified as a good one. The registration law requires removal from the registration lists of the names of persons who die, who have been declared legally insane, who have been convicted of a felony, who have been moved to another county, state, or foreign country, who are not citizens of the United States, or upon the request of any person who desires to change his political affiliations. The law depends primarily upon county clerks to strike

illegal names from the registration roles. Apparently, the effectiveness of the present law depends upon a number of factors in the local situation, especially the proposition of the county clerk being informed of the death or moving away of registered electors.

II. SUMMARY OF THE NEVADA REGISTRATION LAW

This summary of the Nevada registration law follows the outline of provisions recommended by the National Municipal League as they appear in the next chapter. The reader probably will be impressed by the similarity of many provisions of the Nevada law to those of the model code. The report by the Committee on Election Administration of the National Municipal League emphasizes the finding that no model code can meet entirely the needs of varying jurisdictions. A registration law should be drafted only after careful and mature consideration of the special and often unique problems of the governmental unit involved. The summary of the Nevada registration law is as follows:

A. Application of Registration Laws

1. Registration is required for the entire state, both rural and urban areas (Sec. 1).
2. One registration system applies to both regular and special elections (Sec. 26). However, the law makes an exception for school elections in school districts of the second and third class, but there is no mention in the school code of third class districts, and it appears in actual practice that the registration system is used for school elections in all school districts. In some of the smaller counties, the registry cards of the electors in the school district are sorted from the file prior to the election. In some larger districts, a separate file is maintained.

B. Character of Registration Requirements

1. Registration is compulsory for all regular and special elections with no provision for swearing in voters at the polls or for special appeals after the close of registration (Sec. 1). However, any registered elector employed in moving trains, stages, or the United States mail may receive a certificate of transfer from the county clerk, and may present such certificate to election officers in any precinct on the route on which he is employed, and after satisfying themselves as to his identity, the election officers may allow him to vote in their precinct (Sec. 15).

C. Frequency of New Registrations

1. Registration is permanent, which means that the registration of any voter is continued so long as he resides at the registered address, with the provision also whereby any voter who moves within the city or county may transfer his registration to the new address (Sec. 14).

D. Registration Officers

1. The administration of registration is centralized in a single office in each county; that is, the county clerks of each of the seventeen counties are the registration officers in their counties.
2. The county clerks have charge of elections and registrations in all communities and precincts within their respective counties.
3. Since there are no cities or counties in Nevada with populations over 300,000 persons, there is no need for special election officers or organizations which are recommended for the larger communities.
4. In many cases the office force of the various county clerks are selected on the basis of qualifications and without regard to party affiliations or nomination by party organizations, but this is not necessarily so. There is no merit system in Nevada for such employees.
5. No use is made of precinct election officers in the conduct of registration; registrations are handled by clerical employees in the county clerks' offices. However, the county clerks may appoint deputy registrars, who have the power to administer oaths in each precinct of the county.

By law, all justices of the peace are designated as deputy registrars, except those located in the respective county seats. Deputy registrars are required to be appointed on the basis of proportionate registered political affiliations within the county at the last preceding election (Sec. 10). In actual practice, it appears that very few if any deputy registrars are appointed on the basis as required by law; it appears that few of the clerks are in a position to do the work of figuring the proportionate registered political affiliations.

6. Due to the sparse population, field deputies are rarely needed for rural areas. However, as indicated above, deputy registrars may be appointed by the county clerks whenever necessary.

E. Registration Records

1. Individual registration records for each voter are provided in the form of loose cards 4" x 6" in size (Sec. 9).
2. Registration cards are not made in duplicate.
 - a. The original record cards are filed by precincts, and constitute the precinct records in the office of the county clerk.
 - b. There are no duplicate registration cards.
 - c. The precinct registers are arranged in straight alphabetical order for all urban and rural precincts. Election officials never see the original registration cards signed by the electors, since the law requires the county clerk to have the custody of the cards at all times, and to be responsible for their safe keeping (Sec. 9).
3. The original record of cancelled registrations is preserved in a permanent and separate file (Sec. 16).
4. The permanent registration card includes the full name of the voter; sex; age; height; political affiliation; occupation; naturalization data; place of birth; length of residence in precinct, ward, school district, state, county, and city; space for affidavit; and space for the signature of the voter. There is no space for the lifetime voting history of the elector. Most of the registration cards in the various counties contain more information than is required by law (Sec. 9).
5. At least ten days preceding any election, the county clerk is required by law to compile a list of all the electors registered and entitled to vote in the individual precincts of the county, and to post not less than five copies of the list in not less than five conspicuous places within the proper precincts, and to cause to be published in not more than two newspapers in the county a complete list of all the registered voters segregated by precincts; provided, that the cost to the county shall not exceed 10¢ per name to each newspaper publishing the notice (Sec. 18).
6. On the nature of records maintained in the offices of the county clerks:
 - a. Fairly adequate personnel records are maintained for all employees.
 - b. Very few, if any, records are maintained in the offices of the county clerks on fraud cases. There are no files containing reports, investigations, hearings, and disposition of such cases. Of course, any fraud cases that would come up for trial would be contained in the records of the district court.
 - c. Very few, if any, of the offices of the county clerks contain files showing the official action of the office on registration matters, and including complaints and petitions received.
 - d. Very few, if any, of the offices of the county clerks contain detailed statistics of registration and voting. Within three days after the closing of registration, county clerks are required to submit to the Secretary of State a statement showing the number of voters registered in the county (Sec. 17). Obviously, the results of an election produce statistics on the number of persons voting, but this data is not compiled by the county clerks nor do they have legal responsibilities in connection therewith. In due time, this information is compiled and published by the Secretary of State.
 - e. Financial accounts on each election are compiled in the offices of the county auditors along with all other county revenues and expenditures. In other words, county auditors

in Nevada have the information on the cost of each election, including salaries, operation expenses, equipment, etc.

F. Procedure of Registration

1. Registration is conducted throughout the year. Sundays and legal holidays excepted, up to the thirtieth day next preceding an election (Sec. 11).
2. Registration is conducted at the main office of the county clerk in each of the various counties. If deputy registrars are appointed, they may perform their duties in their own precincts.
3. Registration is made only upon the personal application of the elector (Sec. 12).
4. The various county clerks have full power to organize, direct, and supervise the routine of handling of registration and all incidental clerical work. This is not specifically provided by law, but that is the way the law is administered in actual practice.
5. The county clerks hear appeals from persons denied registration. There is no provision in the Nevada law setting a time limit on appeals after the close of registration, but there is provision for the courts to hear appeals after they have been denied by the county clerks.
6. There is no provision in the Nevada law for absentee registration.
7. The original and permanent registration is conducted at the offices of the county clerks, and occasionally at branch offices created by the appointment of deputy registrars in the precincts to take care of the convenience of the voters. In Nevada, precinct election officers never have anything to do with registration.

G. Correction of Registration

1. Official death reports from the division of vital statistics, state department of health, are not sent to the various county clerks for use in purging the registration records.
2. The law authorizes the use of transfers whereby an elector who moves from the jurisdiction of one precinct to another within the same county may transfer his registration to the new address (Sec. 14).
3. The registration of an elector is cancelled upon the failure to vote at a general election (Sec. 16). An elector whose registration is about to be cancelled is not notified of that fact. He may reinstate his registration by reregistering in the same manner as his original registration was made.
4. County clerks do not have the power to make investigations of registration either by a house-to-house canvass or by an annual or biennial census of residents.
5. In Nevada, there is no systematic investigation of registration at periodic intervals.
6. In Nevada, the county clerks correct the registration lists after every general election by comparing the official register of each precinct with a list of electors who have voted. Other means of correction such as the mails, information of removals secured from the post-office, city directories, moving reports, tax assessments, or gas, telephone, electric, and water orders of change and discontinuation of service are rarely used.
7. Any citizen is authorized by law to challenge the registration of one or more registered voters.

H. Transfer of Registration

1. Any voter who moves within the city or county is permitted to transfer his registration to the new address by sending in a signed request to the county clerk (Sec. 14).
2. The form for the application for transfer of registration contains space for the elector's full name and signature, but according to the law, only contains space for the old precinct number from which he is moving and the new precinct number to which he is moving. The law does not require the old and new addresses, nor the date of removal to the new address. The request for transfer has space for the date of the request. In actual practice, a goodly number of county clerks endeavor to place somewhere upon the card the old and new addresses. Of course, a comparison of the old and new registration cards will show the old and new addresses.
3. There is no provision in the Nevada law for the handling of the transfer of electors who are unable to sign their names. However, it appears that in the few cases that actually occur, the county

- clerks satisfy themselves by means of questions as to the identity of the elector.
4. There is no wording in the Nevada law to the effect that the transfers can only be received until the close of the registration period and not afterwards. In actual practice, it appears that no transfers are received after the close of registration, and voters who move after the registration usually vote in the precinct of their old address.
 5. No census of electors is made in Nevada.
 6. Any elector who moves from the county where he is registered would have to reregister in the county of his new address in order to vote (Sec. 1). The county clerk of the county of his subsequent residence is not required to send a cancellation notice to the county clerk of the county of the previous address.

I. Identification of Voters at the Polls

1. Nevada voters are not required to be identified at the polls by signing their names when they apply to vote, and there is no comparison with the signature on the registration card since the card never leaves the possession of the county clerks and are not turned over to the election officials on election day.
2. Since voters are not required to sign their names when they apply to vote, the question of how to handle voters who are unable to sign their names does not arise at the polls.
3. In Nevada, voters are not required to sign their names at the polls either in a roster of voters or on the registration card.
4. There is nothing to prevent political watchers or others present at the polls from observing the work and procedures of election officers. Election officers must satisfy themselves as to the identity of the elector and that he is properly qualified to vote. The fact that his name appears in the copy of the precinct register is prima facie evidence of his right to vote; provided, that when the judges have good reason to believe, or when they are informed by a qualified elector, that the person offering to vote is not the person who was so registered in that name, they may not receive his vote until he has proved his identity as the person who has registered in that name by the oath of two reputable free-holders within the precinct in which the elector is registered (Sec. 26).

J. Miscellaneous Provisions

1. Any elector whose name is erroneously omitted from any precinct register may apply for and secure from the county clerk a certificate of such error, stating the precinct in which such elector is entitled to vote, and upon the presentation of such certificate to the judges of the election in such precinct, the elector is entitled to vote in the same manner as if his name had appeared upon the precinct register (Sec. 27).
2. The Nevada law does not require a voter who changes his or her name by marriage or otherwise to reregister as a means of avoiding clerical error.

III. PROVISIONS OF A MODEL REGISTRATION SYSTEM¹

The recommendations summarized below were developed and approved by the National Municipal League. Their reproduction in connection with this study does not indicate the approval, disapproval or other subjective attitude of the Legislative Counsel Bureau or its staff. These recommendations are furnished purely for the information of those interested in registration and purgation.

A Model Registration System is the third edition of a volume first issued by the Committee on Election Administration of the National Municipal League in 1927. As secretary of the Committee on Election Administration Dr. Harris prepared the original manuscript and was responsible for the two revisions of the report made in 1931 and 1939. Under a travelling fellowship granted by the Social Science

¹ Joseph P. Harris, A Model Registration System (New York: National Municipal League, 1939).

Research Council Dr. Harris visited all parts of the United States in his study of registration systems.

Approaching the problem from a practical standpoint the author does not attempt to draft a model law which will be applicable in all states. He points out that a registration law for practical, political reasons usually has to be fitted into existing election laws. The character of the specific legislation will vary according to whether the state is essentially rural or urban. Larger cities require greater care in the investigation and purging of registration lists. For these reasons a registration law must be written to fit the needs of a specific state. However, Dr. Harris sets up a number of specifications which should characterize any effective system.

Any registration system should first be judged by three outstanding criteria:

1. Convenience to the voter.
2. Economy of operation.
3. Effectiveness in preventing fraudulent voting.

The problem of non-voting cannot be solved by improving registration alone. However, the campaign to get the voters registered is usually half of the entire campaign to get the vote out. Cumbersome and inconvenient registration systems are a detriment to independent voting but are a positive asset to strong political machines, which will see that the controlled vote is registered always.

The costs of existing registration systems vary greatly. In general a permanent registration plan with effective provision for purgation of voters becoming ineligible is most economical.

Dr. Harris sets up the following specifications for a model registration system:

A. Application of Registration Laws

1. Registration should be required for the entire state, both rural and urban areas.
2. One registration system should apply to all elections, including primaries and special elections.

B. Character of Registration Requirements

1. Registration should be compulsory for all elections, with no provision for swearing in voters at the polls or for special appeals after the close of registration.

C. Frequency of New Registrations

1. Registration should be permanent, which means that the registration of any voter is continued so long as he resides at the registered address, with provision also whereby any voter who moves within the city or county may transfer his registration to the new address.

D. Registration Officers

1. The administration of registration should be centralized in a single office.
2. A special officer should have charge of elections and registrations in cities or counties of over 300,000 population; the city or county clerk should have this responsibility in smaller communities.
3. The organization of the special election office for jurisdictions of over 300,000 population may be under
 - (a) a single election commissioner, appointed by either the governor or mayor for a term of four years at a full-time salary, or
 - (b) an election commission of two or four members, appointed by the governor or mayor for a term of four years with the requirement of bipartisan representation and paid only a nominal salary.
4. The office force should be selected on the basis of qualification without regard to party affiliation or nomination by party organizations and placed under the merit system if such exists.
5. No use should be made of precinct election officers in the conduct of registration; registration should be by clerical employees of the city or county registration office.
6. Field deputies should be appointed by the county registration officer for rural areas.

E. Registration Records

1. Individual registration records for each voter should be provided in the form of loose-leaf papers or cards.
2. Registration cards should be in duplicate.
 - a. The original records should be filed by precincts and constitute the precinct records.
 - b. The duplicate records would be filed in alphabetical order for the entire city or county.
 - c. The precinct registers would be arranged in order by streets and numbers for cities (also alphabetically for each address where more than one voter is registered) and in alphabetical order for rural precincts.
3. The original record of cancelled registrations should be preserved in a permanent file.
4. The permanent registration record should include at least the full name of the voter; length of residence in state, county and precinct; sex; place of birth; signature of voter; and space for the lifetime voting history of the elector.
5. Printed precinct lists of voters should be provided in the large cities and a few (not more than ten) copies posted in each precinct.
6. The registration office should maintain adequate records on the following subjects:
 - a. Personnel records for all employees, permanent, temporary and field,
 - b. fraud cases, including reports, investigations, hearings, trials and disposition,
 - c. official actions of the office, including complaints and petitions received,
 - d. detailed statistics of registration and voting, and
 - e. financial accounts.

F. Procedure of Registration

1. Registration should be conducted throughout the year, except for period of three weeks prior to each election.
2. Registration should be conducted at the main registration office of the city or county and at such other places as the registration officer or board may decide.
3. Registration is to be made only upon the personal application of the elector.
4. The city or county registration officer or board shall have full power to organize, direct and supervise the routine handling of registration and all incidental clerical work.
5. The registration office or board of the city or county should hear appeals from persons denied registration, provided that no appeals may be made later than five days after the close of registration prior to any election. The courts should hear appeals only from persons denied registration upon a previous appeal to the highest registration authority of the city or county.
6. Absentee registration should be omitted or the law should provide that the absentee secure registration forms from his home registration office and appear before an office authorized to administer oaths to prepare and have attested the form.
7. The original and permanent registration should be conducted at the central office and a sufficient number of branch offices to take care of the convenience of the voters. Registration should be by employees of the registration office rather than by the precinct election officers.

G. Correction of Registration

1. The official death reports secured from the office in charge of vital statistics should be used to purge the registration books.
2. A system of transfer will be provided whereby an elector who moves within the jurisdiction of the registration office may transfer his registration to the new address.
3. The registration of any elector should be cancelled upon failure to vote within a one year period, a two year period, or after a general election. The selection of any one of these three alternatives will depend upon the frequency and type of elections held within the state. However, the elector whose registration is about to be cancelled should be notified of that fact and permitted to reinstate his registration by submitting to the registration office a signed request for reinstatement.

4. The city or county officer or board in charge of registration should be given full power to make investigations of registration by either of the following methods:
 - a. A house-to-house canvass of all registered voters made by the police or by responsible persons directly selected by and responsible to the registration authorities.
 - b. A census of all adult residents corrected annually or biennially, depending upon the frequency of the elections, which is checked against the registration lists and corrections and cancellations made accordingly.
5. In larger cities some systematic investigation of registration should be carried out once a year or biennially where elections are held only during alternate years, and the registration authorities should have the power to conduct investigations in all or part of the cities prior to other elections. The same power to conduct investigations should be given to registration authorities in rural jurisdictions, although such investigations will not be necessary as frequently as in large cities.
6. The registration officers of the city or county should be given authority to use other reliable means in their discretion to correct the registration lists, such as the following:
 - a. the mails,
 - b. information of removals secured from the post office,
 - c. city directories,
 - d. moving reports,
 - e. tax assessments, and
 - f. gas, telephone, electric and water orders of change and discontinuation of service.

Any person whose registration is about to be cancelled or changed upon the basis of such information should be notified of the fact through the mail as a precaution against mistakes.
7. Any citizen should be permitted to challenge the registration of one or more registered voters.

H. Transfer of Registration

1. Any voter who moves within the city or county will be permitted to transfer his registration to the new address by sending in a signed request to the registration office.
2. The form for the application for transfer of registration will contain space for the name in full, the old and new addresses in detail, the date of removal to the new address and the signature.
3. Transfer of electors who are unable to sign their names will be made only upon personal application at the registration office where they may be identified by the use of personal description data on the registration records.
4. Application for transfer should be received until the close of registration and not afterwards, except for voters who have moved after the close of registration and who are legally qualified to vote from the new address.
5. If a census of all residents is made annually or biennially, the registration of all registered voters should be transferred when the census shows them to have moved from the registration address to another.
6. Any voter who moves outside the jurisdiction of the city or county registration office should be required to register anew, but the registration office should send a cancellation notice to the registration office of the previous address.

I. Identification of Voters at the Polls

1. All voters will be identified positively at the polls by requiring them to sign their names when they apply to vote and by comparing the signature with that on the registration record.
2. Voters who are unable to sign their names will be identified by requiring them to answer questions covering the personal data which is reported on the registration record.
3. The voter will be required to sign his name at the polls either in a roster of voters or on the registration card. In either case the election officer in charge should be required to sign his name immediately after he has compared the signatures.
4. The comparison of the signatures and identification of a voter who is unable to sign should be made in such a manner that political watchers or others present at the polls may also make a comparison.

J. Miscellaneous Provisions

1. The registration authorities of a city or county will be given the power to issue a certificate of registration on the day of election in order to correct clerical mistakes, which certificate will entitle the holder to vote in the precinct in which he is registered.
2. Any voter who changes his or her name by marriage or otherwise should be required to register anew as a means of avoiding clerical errors.

IV. REGISTRATION LAWS OF OTHER STATES

By no means have all of the states enacted permanent registration laws of state-wide applicability. At present 29 states use such a procedure. A general summary of the registration laws of all states is shown in Table I.

Nevada since 1865 has been one of the ten western states with a state-wide, permanent registration system. Many states still require registration only in cities, and a number cling to periodic registration.

An examination of the laws of some states generally considered to have well-designated state-wide registration systems yields a few interesting comparisons. Six states in various regions of the country were selected for this summary. A topical analysis of their laws follows:

Closing dates for registration

<u>States</u>	<u>Last day to register</u>
California	53 days before an election
Colorado	15 " " " "
Massachusetts	32 " " a state election
	20 " " a city election
Michigan	20 " " an election
New Jersey	40 " " " "
Oregon	30 " " " "

At one time California permitted registration to continue until 39 days before an election. One might well question whether a period as short as the fifteen days allowed in Colorado during which registration is closed is sufficient to permit the registration officers both to get their records in order for election and to eliminate any padding of the rolls which might have occurred prior to a hotly contested election.

Office charged with administration of registration

<u>States</u>	<u>Officer</u>
California	County clerk
Colorado	County clerk ²
Massachusetts	Board of Registrars for towns
	Board of Election Commissioners for cities
Michigan	Clerk of city, village or township
New Jersey	Superintendent of Elections in counties of first class, Secretary of County Board in others serves as Commissioner of Registration
Oregon	County clerk

Most states place on the county or town clerk the duty of conducting registration and of purgation. These duties, of course, constitute only a small part of those placed on him by law and represent only a

²Aided by precinct registration committees on the fourth Tuesday before election day in towns not county seats.

TABLE I
STATE REGISTRATION REQUIREMENTS

State	Registration								
	Type					Coverage			
	Permanent		Periodic		Fre- quen- cy	All Elec- tions	Some Elec- tions	Absentee Regis- tration	Absentee Voting
	All Areas	Some Areas	All Areas	Some Areas					
Alabama.....	* ^a	....	....	....	....	*	....	....	*
Arizona.....	* ^b	....	....	....	....	*^c	....	*	*
Arkansas.....	(d)	(d)	(d)	(d)	....	....	....	....	*
California.....	*	....	....	....	....	*	....	*	*
Colorado.....	*	....	....	....	....	....	*^e	*	*
Connecticut...	*	....	....	....	....	*	....	....	*
Delaware.....	*	....	....	....	....	*	....	....	*
Florida.....	*	....	....	....	....	*	....	....	*
Georgia.....	*	....	....	....	....	*	....	....	*
Idaho.....	*	....	....	....	....	*	....	....	*
Illinois.....	*	....	....	....	....	....	*^g	....	*
Indiana.....	*	....	....	....	....	*^e	....	*	*
Iowa.....	....	*	....	*	4 years	....	*^e	* ^h	*
Kansas.....	....	*	....	*	....	*	....	....	*
Kentucky.....	*	....	....	....	....	*	....	*	*
Louisiana.....	....	....	*	....	4 years	*	....	....	*
Maine.....	*	....	....	....	....	*	....	....	*
Maryland.....	....	*	....	*	....	*	....	*^f	(f)
Massachusetts..	*	....	....	....	....	*	....	*^f	* ⁱ
Michigan.....	*	....	....	....	....	*	....	*	*
Minnesota.....	....	*	....	....	....	*	....	*	*
Mississippi.....	* ^a	....	....	....	....	....	(j)	....	....
Missouri.....	....	*	....	*	4 years	*	....	....	*
Montana.....	*	....	....	....	....	....	*^e	*	*
Nebraska.....	....	*	....	*	6 years	....	*^e	*	*
Nevada.....	*	....	....	....	....	*	....	....	*
New Hampshire..	*	....	....	....	....	*	....	*	*
New Jersey.....	*	*	....	*	annual	*	....	....	(f)
New Mexico....	*	....	....	....	....	*	....	....	(f)
New York.....	....	....	....	*	annual	....	*	*	*
North Carolina..	*	....	....	....	....	*	....	*^{rf}	*
North Dakota...	....	*	....	....	....	*	....	*	*

^aRegistration is permanent unless removed for cause.

^bCondition upon voting and continued residence.

^cExcept for irrigation district elections.

^dRegistration is prohibited by Constitution.

^eAll except certain minor elections.

^fFor persons in military service only.

^gFor all state and federal elections.

^hPermitted only in permanent systems.

ⁱFor persons in military service and those unable to appear in person by reason of physical disability.

TABLE I (continued)

State	Registration								
	Type					Coverage			
	Permanent		Periodic		Fre- quen- cy	All Elec- tions	Some Elec- tions	Absentee Regis- tration	Absentee Voting
	All Areas	Some Areas	All Areas	Some Areas					
Ohio .....	....	*	....	....	....	*	....	....	*
Oklahoma.....	*	....	....	....	....	....	*	*k	*
Oregon.....	*	....	....	....	....	*	....	*	*
Pennsylvania...	*	....	....	....	....	*	....	....	....
Rhode Island....	....	....	*	....	Biennial	*	....	*f	*
South Carolina..	....	....	*	....	Decennial	*	....	....	....
South Dakota...	....	....	*	....	Biennial	*	....	*	*
Tennessee.....	....	(1)	....	*	....	*	....	*	*
Texas.....	(m)	(m)	(m)	(m)	....	....	....	....	*
Utah.....	*	....	....	....	....	....	*e	*	*
Vermont.....	*	....	....	....	....	....	*	....	*
Virginia.....	(n)	....	....	....	....	*	....	....	*
Washington....	*b	....	....	....	....	*c	....	*	*
West Virginia..	*	....	....	....	....	*o	....	....	*
Wisconsin.....	....	*	....	....	....	*	....	*	*
Wyoming.....	....	....	*	*p	Every gen. elec.	....	*	....	*
Alaska.....	*	....	....	....	....	*q	....	....	....
Hawaii.....	....	....	*	....	Every elec.	*	....	*	*
Puerto Rico...	*	....	....	....	....	*	....	....	....
Virgin Islands..	....	....	....	....	....	....	....	....	....

^jRegistration is for all elections of state and county, but voter must be registered in municipality also to vote in municipal elections.

^kUnder certain conditions.

^lCounties of 50,000 population or more and cities of 2,500 population or more.

^mConstitution provides for registration in cities over 10,000, but no system exists.

Poll tax receipts determine eligibility of voters.

ⁿExcept in city of Richmond where voters must register in 1949 and every tenth year thereafter.

^oAll elections except special elections.

^pLength of residence required may be lessened by ownership of property.

^qMunicipal election.

^rMust have been citizen five years.

SOURCE: The Book of The States, 1950 - 51 (Chicago: The Council of State Governments, 1950), p. 101.

part of the time he or his staff devote to the conduct of his office. Undoubtedly economy has been a factor of considerable importance in the selection of an existing local government office for this work.

Absentee registration

Registration is permitted by affidavit or notarized statement in some states with permanent registration laws. For example, California, Colorado, Michigan and Oregon allow registration by mail within the time limits prescribed for registration in person. Colorado, in addition, allows one member of a family to register for other members or servants living at the same address. Absentee registration is open to question. As a matter of fact, little justification can be offered for such a procedure applicable to anyone except members of the armed forces in the light of the fact that registration under a permanent system is normally conducted during three-fourths of the calendar year.

Place of registration

Although permanent registration is conducted as a year-round procedure, except during the period closed by law preceding or immediately following an election, provision is made in some states for periodic registration at places additional to the central headquarters of the officer charged by law with administration of registration. Massachusetts specifically requires boards of registrars to hold sessions for registration in voting precincts or in localities two or more miles distant from central headquarters if at least ten voters request such facilities. Oregon leaves the final decision with regard to the opening of additional registration facilities to the county court or board of county commissioners if the clerk has denied additional facilities upon a request therefor from at least twenty-five resident taxpayers. Colorado requires registration committees in precincts of towns not county seats to be in session on the fourth Tuesday preceding any election. Michigan permits the clerk to designate convenient registration places at his discretion. Registration is not conducted at the polls on election days in any of these states. The elimination of election-day registration at the polling place forecloses the possibility of inadequate or incorrect records made under the stress of the usual crowding and heavy workload of that day.

Transfer of registration within the county

Application for transfer of registration on change of residence from one precinct to another in the same county is usually provided in registration laws. As a rule, application may be made either by mail or in person. Specific provision for transfer is made in California, Colorado, Oregon, New Jersey and Michigan. The latter state permits voters who have moved within the period the registration books are closed to vote in their old precincts in the one election following their change of residence and apply for transfer at the precinct polling place on that same election day. Oregon permits transfer of registration from one precinct to another within the thirty days preceding an election when the books are closed for new registrations. New Jersey allows the Commissioner of Registration to request personal appearance of a voter whose signature on a transfer request does not appear to agree with that on the original registration record.

Purgation procedures

A set of procedures to keep registration lists current and free of dead wood is an integral part of the better registration laws. These procedures are in general employed in common by the states studied. They include:

a. Striking off names of those who have failed to vote within a defined period of time

<u>States</u>	<u>Number of Elections Required to Miss</u>
California	Primary and general election in even-numbered years
Colorado	One general election
Massachusetts	No requirement
Michigan	All elections in any four-year period ³
New Jersey	Any general election
Oregon	All elections in any two-year period

³ Any city or township with a population of 20,000 or more may by majority vote of its governing body suspend the registration of those who have failed to vote in any two-year period.

The dropping of names for failure to vote is based on the presumption that such persons have probably moved from their precincts. Notice must in most states be given by mail of the intention to drop such nonvoters. New Jersey, in addition, requires the publication of the list of those proposed for such cancellation in at least two newspapers published in the voter's county. Any voter notified of the proposed cancellation usually has the right to remain on the registration list by informing the registration officer that he continues to live at the same address and desires to retain his registration. This right is apparently not specifically granted by Colorado, which requires that the voter appear at the next primary election ostensibly to reregister. Purgation in Colorado of those who have failed to vote in a general election must be completed by the county clerk within a period of forty-five days following any general election, during which time registration is closed. Neither Oregon nor Colorado outlines any requirement of notice to the voter of removal of his name from the rolls for nonvoting. In other states answer to the mailed notice of removal of a voter's name may be made by mail or by appearance at the registration office.

In lieu of periodic removal of names for failure to vote, Massachusetts employs an occasional state-wide verification of registration records. Voters are required to sign the registration record cards in order to remain on the voting lists. Those who fail to sign after thirty days' notice at the end of the long verification period are dropped.⁴

b. House-to-house canvass for verification of voting lists

Massachusetts empowers boards of registrars to request the assistance of city police departments in the work of canvassing. Michigan grants authority to the clerk to conduct canvasses or employ other means to check the accuracy of the voting lists. He is allowed to enlist the help of city police departments or of county sheriffs. If canvassers are hired by him, the county must pay the costs for such work. New Jersey makes mandatory a house-to-house canvass at least once every four years in all counties of the state. This is one of the most stringent requirements found in any state on a state-wide basis although it is not uncommon to demand this procedure in larger cities operating under separate registration laws.

c. Reports from utilities companies, courts and registrars of vital statistics

Michigan permits the clerk to cancel a voter's registration on the receipt of reliable information that the voter has moved from his precinct, but it does not require utilities companies to cooperate with clerks by furnishing to the latter lists of removals or discontinuance of their services. None of the states studied mentions this requirement in connection with registration systems of state-wide applicability despite the fact that this simple procedure offers one economical and convenient source of information.

More usual is the stipulation that names of deceased persons must be stricken from the voting lists. Massachusetts does not prescribe the source of information for such names, but most other states list health officers or registrars of vital statistics. New Jersey omits this requirement. A similar requirement in many states is that registration must be cancelled for those convicted of felonies or whose insanity has been legally established. The usual means of obtaining such lists is to require a periodic report of these court actions to the officer in charge of registration. The latter may be required to remove names monthly or merely annually on the basis of such lists.

Several states provide another cross check for purgation purposes in requiring lodging-house and inn keepers to file lists either of permanent residents or of all residents as of a particular date. California makes the giving of false information by such persons a misdemeanor. The California procedure for removal of names on voting lists not listed by lodging-house keepers as permanent residents is merely by challenge of such names at the polls on election day.

Massachusetts has a unique procedure, so far as northern states are concerned, in utilizing poll tax assessment lists as a cross check with voting lists in order to keep the latter current as to residence of voters.

Michigan vests authority in the clerk to cancel registration on the receipt of any reliable information that the voter has moved from his precinct. Notice by mail to the voter is necessary, and thirty days are allowed within which the voter may apply for continuation of registration.

⁴The most recent verification period was between June 1, 1945 and December 31, 1946.

d. Challenge by voters of names on registration lists

Michigan permits any voter to challenge the registration of any person by filing an affidavit. Notice of the affidavit must be given to the challenged voter by the clerk, and there is an opportunity to answer the charge within thirty days. In default of an answer, the challenged name is purged. Massachusetts also provides for challenge of registrants by any voter at least fourteen days before a city election or four days before a primary, regular election, or town meeting. Challenged persons must be served with summons. Oregon permits challenge only at the polls on election day by the election judges, but any voter present may press questions on the challenged person. Colorado permits county party chairmen to protest fraudulent registrations on precinct registration days at the precinct registration places. Colorado also permits any citizen within a period from twenty-five to eighteen days before a primary or general election to petition the district court for removal of names fraudulently or illegally registered. False charges of this nature, however, constitute a misdemeanor. Resort to the courts to cure "padding" of registration rolls is a clumsy procedure at best, and should be clearly a last resort used only after effective administrative procedures have been exhausted.

Appeal procedures

Appeal from error in decisions of registration officers on purgation or removal of registrants from voting lists may be made to the courts in only one state studied. New Jersey allows such appeal to any common pleas judge up to and including election day. Such appellants are permitted to vote as a result of their appeal in one election only and must reregister properly before voting in any subsequent election. No appeal procedure is available in California, Colorado, Massachusetts, Michigan and Oregon. In the latter states the assumption seems to be that administrative remedies are adequate to correct mistakes in purgation.

Penalties for failure to purge

Few states establish any penalties for officers responsible for keeping the voting lists "clean" as a result of their failure to carry out purgation duties. New Jersey, however, makes a misdemeanor of wilful or fraudulent refusal by the Commissioner of Registration to purge persons who have moved, been disqualified, or improperly registered. Oregon sets up as the penalty on the clerk for wilful failure to enforce the registration or purgation provisions penitentiary imprisonment of not less than one year nor more than three years or fine of not less than \$25 nor more than \$2,000, or both fine and imprisonment. Colorado makes violation of the registration act by anyone or encouragement of others to violate a misdemeanor punishable by fine of not less than \$25 nor more than \$1,000 or imprisonment in the county jail of not less than one month nor more than one year, or both fine and jail sentence.

Identification of voters at the polls by signature

Although the requirement that a voter sign a signature card or in a signature book for the purpose of comparison with his signature on the registration records is considered to be one of the best safeguards against one of the grosser election frauds, only a few states make such a requirement mandatory in general state laws. California, Michigan and New Jersey alone of the states studied demand the comparative signature. Michigan, however, allows the signature on election day to be dispensed with in townships, cities, and villages of less than 5,000 population by action of the township board or local legislative body. Colorado could not possibly make this requirement mandatory so long as it permits one member of a family to register for other members.

V. RECOMMENDATIONS

It is apparent that while Nevada's Registration Law has many good features, the addition of a number of requirements would materially tighten the law and reduce the opportunity for election frauds. Some of the following recommendations would be applicable to Nevada's system only and are designed to meet our local needs, while others are in accord with proven practice in other states and have been recommended by many persons and groups recognized as authorities in the field. The recommendations are in numerical order to match the sections of the Registration Law.

(1) That Section 2 be amended so as to provide that persons serving in the armed forces of the United States or of the State of Nevada, otherwise qualified to vote, shall register as a condition to the right to vote. Such persons shall be required to register in person either before their enlistment or induction into such armed forces, or effect such registration by applying to the clerk of the county of their voting residence in this state for registration forms, and completing and executing the same, and returning them to such county so that they may be received by him not later than thirty days prior to the date of a primary or general election. At the time of application for registration forms, the elector may also apply for an absent voter's ballot, which shall be returned to the county clerk along with the registration forms.

Section 3 Article 11 of the Constitution of the State of Nevada also declares that persons in the military or naval service shall not be required to register in order to vote. It is recommended that Section 3 of Article 11 be amended as soon as possible so as to require such voters to register.

(2) That Section 9 be amended so as to provide duplicate, numbered, loose-leaf forms rather than single indexed cards, that the signature of the registered elector be required on both the original and the duplicate forms, and that the original forms go to the precinct election officials on election day and the duplicate forms remain in the offices of the county clerks. All presently existing registration cards be canceled on July 1, 1953, and all qualified electors in the State of Nevada shall be required to reregister in the manner provided by law.

(3) That Section 10 be amended so as to eliminate the requirement that deputy registrars be appointed on the basis of proportionate registered affiliations, that provision be made for deputy registrars to work in specific precincts as well as in the county at large, and that deputy registrars be required to send to the county clerks of the counties where they are serving a complete list of the registered electors in the precincts under the jurisdiction of said deputy registrars, along with the addresses of the registered electors.

(4) If recommendations (3) above is adopted, that that certain law defining the duties of registry agents, and known as Chapter 66, Statutes of Nevada 1901, be repealed, since its provisions would then be incorporated into the registration law.

(5) That Section 14 be amended so as to require complete reregistration in the manner provided by law when an elector moves from one precinct to another.

(6) That Section 14 be amended so as to provide that transfers can be made only prior to the closing date of registration.

(7) That Section 15 be repealed, and new wording be inserted in the section providing that the registration or reregistration of electors who are unable to sign their names will be made only upon personal application at the registration office where they may be identified by the use of personal description data on the registration records.

(8) That Section 17 be amended so as to provide that publication of notices of the closing dates of registration shall be once a week for four weeks, rather than for a full period of thirty days as now required by this section.

(9) That Section 17 be amended so as to provide that county clerks shall not be required to post notices of the closing dates of registration in voting precincts outside of incorporated cities and in which a newspaper is being published.

(10) That Section 18 be amended so as to require the posting of only one list of registered voters in each precinct, and the posting of one list for the entire county at the court house.

(11) That Section 18 be amended so as to require that lists of registered electors sent to the Secretary of State shall show the party affiliation of each registered elector, with the lists segregated by precincts, together with a countywide summary of the total number of affiliations by party in the county. There shall be no requirement that the addresses of each of the registered electors be sent to the Secretary of State.

(12) That Section 19 be amended so as to provide that the original registration form shall be the precinct register.

(13) That Section 21 be amended so as to require county clerks to notify those electors whose registration has been canceled.

(14) That sub-section 1 of Section 21 be amended so as to require death reports from the Division of Vital Statistics of the State Department of Health to be sent to county clerks, as convenient, but at least once a month.

(15) That sub-section 5 of Section 21 be amended so as to provide that a registered elector may change his politics at any time prior to the close of registration before a primary election, instead of at a time that is at least forty-five days prior to a primary election.

(16) That a new section 21a be added giving county clerks, with the consent of the boards of county commissioners, the authority to make systematic investigations of registration, if so desired, by census, or by house-to-house canvass, or by other methods.

(17) That a new Section 21b be added giving county clerks authority to use other reliable means at their discretion to correct registration lists, such as the mails, information of removals secured from the post office, city directories, moving reports, tax assessments, and gas, telephone, electric, and water orders of change and discontinuation of service.

(18) That a new Section 21c be added providing that when an elector moves to another county, that county clerk shall be required to send a cancellation notice to the clerk of the county where the elector previously resided.

(19) Amend Section 24 so as to eliminate all references to certified copies of naturalization papers, since federal law now prohibits such certified copies.

(20) That Section 26 be amended so that there shall be no distinction between the requirements to vote at school elections and the requirements to vote in any other elections.

(21) That Section 26 be amended so as to require all voters to be positively identified at the polls by signing their names when they apply to vote, such signatures to be compared with those on the original registration form.

(22) That a new Section 26a be added providing that electors who are unable to sign their names will be identified by requiring them to answer questions covering the personal data which is reported on the registration form.

(23) That Section 29 be amended so as to provide that any elector who changes his or her name by marriage or otherwise shall be required to reregister.