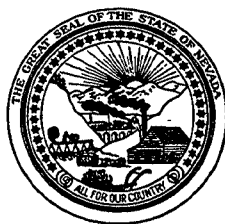


NEVADA ELECTION LAWS

Bulletin No. 111



**LEGISLATIVE COMMISSION
LEGISLATIVE COUNSEL BUREAU**

STATE OF NEVADA

December 1972

Carson City, Nevada

FINAL REPORT OF THE SUBCOMMITTEE
FOR STUDY OF
NEVADA ELECTION LAWS

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LEGISLATIVE COMMISSION

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Carl F. Dodge
James I. Gibson
Warren L. Monroe
Archie Pozzi, Jr.
C. Clifton Young

Keith Ashworth
Joseph E. Dini, Jr.
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Donald R. Mello
Roy L. Torvinen

REPORT OF THE LEGISLATIVE COMMISSION

TO THE MEMBERS OF THE 57th SESSION OF THE NEVADA LEGISLATURE:

This report is submitted in compliance with Assembly Concurrent Resolution No. 20 of the 56th session of the Nevada legislature, which directed the legislative commission to make a study of the election laws of the State of Nevada, enlisting in such study the aid of two county election officials and two members of the public familiar with the election laws, from any four counties in the state, and to report the results of that study and recommend any appropriate legislation to the 57th session of the legislature. Assemblyman Darrell H. Dreyer was designated chairman of the subcommittee and the following legislators were named as members: Assemblymen Mary Frazzini and Frank W. Young. Senators Len Harris and Warren L. Monroe. Nonlegislative members were: Mrs. Maxine Hansen, Messrs. Jack McCloskey, Harry K. Brown and Thomas A. Mulroy.

The subcommittee's report with suggested draft legislation is attached for your examination. This report was approved by the legislative commission in January 1973.

Respectfully submitted,

Legislative Commission
State of Nevada

December 1972

Assembly Concurrent Resolution No. 20—Committee on Elections

FILE NUMBER 97

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the election laws of the state.

WHEREAS, The election laws of the State of Nevada are the result of piecemeal amendments through the years; and

WHEREAS, Such laws are in need of clarification and complete revision; and

WHEREAS, Such laws are particularly insufficient to deal with the problems encountered in the use of voting machines; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate concurring, That the legislative commission is hereby directed to make a study of the election laws of the State of Nevada, enlisting in such study the aid of two county election officials and two members of the public familiar with the election laws, from any four counties in the state, and to report the results of that study and recommend any appropriate legislation to the 57th session of the legislature of the State of Nevada.

Introduction

Assembly Concurrent Resolution No. 20 of the 1971 legislative session directed the Legislative Commission to make a study of the election laws of the State of Nevada. The commission was directed to enlist the aid of two election officials and two members of the public familiar with the election laws. Pursuant to this directive, the Legislative Commission appointed the following subcommittee to prosecute the study.

<u>Name</u>	<u>Representing</u>
Darrell H. Dreyer, Chairman	Legislature
Mary Frazzini	Legislature
Len Harris	Legislature
Warren L. Monroe	Legislature
Frank W. Young	Legislature
Maxine Hansen	General Public
Jack McCloskey	General Public
Harry K. Brown	Election Official
Thomas A. Mulroy	Election Official
Alex Coon	Alternate Member

The subcommittee held its first meeting November 3, 1971; its second meeting, June 16, 1972, and its final meeting, November 10, 1972. The balance of this report concerns the numerous recommendations, suggestions and questions of the subcommittee relating to Nevada's election laws.

Election law has undergone drastic changes in recent years, both at the national and state level. The reduction of the voting age by constitutional amendment, the liberalization of residence requirement by the courts, and the provisions of the federal voting rights act have enfranchised millions of voters. At the same time, election officials have been obliged to create new administrative procedures, sometimes on a very short notice, to cope with the combined effects of national legislation, state legislation, judicial decisions, districting and apportionment, and political party procedures. These changes have affected the registration process, structure of the ballot, location of precinct polling places, absentee ballot procedures and much more.

To the extent that the impact of change manifests itself immediately prior to or during an election, the possible consequences of such factors must be anticipated and procedures developed to meet the new circumstances. Otherwise, there may be anything from confusion to chaos.

Residency--Dunn v. Blumstein

The subcommittee considered the probable affects of the recent Supreme Court decision of Dunn v. Blumstein, 92 S.Ct. 995 (1972), which stands for the proposition that durational residency requirements that are not "necessary to promote a compelling state interest", unconstitutionally deprive some citizens of the fundamental right to vote, and penalize those persons who recently have exercised the fundamental right to travel interstate.

The thrust of the case is that a state must have a very important reason to justify a residency requirement in excess of 30 days. Thirty days was held permissible in the Dunn case.

Its probable effects include the invalidation of subsection 1 of NRS 293.485, which provides that one must be a resident in the state 6 months before the election, to be qualified to vote.

Furthermore, NRS 298.090-298.240 is made irrelevant because these sections provide that a new resident in Nevada, who is not able to establish 6 months' residency, can vote for presidential candidates in a presidential election, provided he registers within 30 days before the election.

Moreover, it will invalidate that portion of article 2, section 1 of the state constitution, which provides that one must reside in the state for 6 months prior to the election.

The subcommittee has recommended that NRS and the Nevada constitution be made to conform to the precepts of the Dunn case and the drafted legislation is attached as BDR C-329 and BDR 24-328, Exhibit A.

Residency--Office Holders

It was felt by some subcommittee members that there exists a problem with respect to persons who are elected or are running for public office, that after filing for election or after being elected, the person moves his residency out of the district. It was the belief that the subcommittee include in its recommendations the provision that a vacancy shall be declared if the officeholder or candidate moves his residency out of the district. The proposed draft is attached as Exhibit B, BDR 24-327.

The subcommittee considered the problem relating to the ambiguity of NRS 396.041 and NRS 385.021, the former relating to the residency requirements of the Board of Regents, and the latter relating to the residency requirements of the State Board of Education. The ambiguity lies in the fact that the voters elect the particular member from a district but no requirement apparently exists that the member reside within the subdistrict, with certain exceptions. Proposed drafts BDR 34-330 and BDR 34-331, are attached as Exhibits C and D.

Residency--Hospital Trustees

NRS 450.070 and related sections provide inconsistencies in the districting of local hospital districts. For example, for Clark County, the statutory provisions create five trustee districts, each of which are comprised of part of the city and part of the county. However, the sections also prohibit more than three trustees from residing in the city in which the hospital is located. Thus there is a conflict because there could only be three trustees elected from the city. The proposed draft bill is attached as BDR 40-332, Exhibit E.

Political Parties

The subcommittee considered many suggestions relating to political parties. The subcommittee recommended that the notice, which is sent to registered voters, which notice is of forthcoming precinct meetings, shall indicate the number of delegates to be chosen from each precinct instead of the number of delegates to be chosen at the forthcoming meeting.

Moreover, the subcommittee considered and adopted the suggestion that the notice of party conventions need not contain information relating to the selection of delegates to county conventions.

The subcommittee agreed to change the word "mass" to "precinct" to better indicate, in NRS 293.137, that the election of delegates is made at precinct meetings.

It was recommended by the subcommittee that the law be changed to enable state central committee rules to govern the use of proxies and to require the establishment of more permanent party rules. It was also recommended that a provision be added allowing the party to adopt rules concerning proxies and, unless party rules provide otherwise, proxies may be used. It was further recommended that the term "qualified elector"

be changed to "registered voter" to provide a basis for checking qualifications by the county clerk. The above recommendations are attached as BDR 24-323, Exhibit F.

The subcommittee took cognizance of the reference to "central committee" in NRS 293.440, and recommends that it be made clear that the section refer to county central committees. The proposed bill draft is attached as part of BDR 24-322, Exhibit G.

Voter Registration

A great deal of discussion concerned the advisability of continuing the practice of removing a registered voter's name from the registration lists when the voter votes in two consecutive elections by absent ballot. One argument in favor of continuing the practice was to prevent residents of other states from establishing a sham residency in Nevada to obtain tax benefits, by voting in Nevada elections by absent ballot. It was felt that the election laws should not be used to prohibit tax fraud upon another state.

Moreover, it is felt by some that this policy places an undue hardship on the professional and military personnel, on persons whose business causes them to travel frequently, and on the retired senior citizen who enjoys taking vacations during the election periods. The law, it is argued, seems not only burdensome on these individuals, but it is also a burden on the clerks and registrars of voters throughout the state, whose responsibility it is to remove the names of these voters by keeping 2-year records concerning absent voting.

The subcommittee reached no solution, and it submits the problem to the legislature.

Elections

As regards absent voting, some subcommittee members and many of the public agree that the formalistic requirements for absent voting are too strict. It was recommended, therefore, that any means of application satisfactory to the county clerk ought to be provided for. BDR 24-322, Exhibit G.

Many clerks have indicated that the law which requires the keeping of the clerk's office open 5 nights immediately prior to the close of registration, NRS 293.560(2), is a waste of

taxpayers' money in the rural counties. It was the consensus of the subcommittee, therefore, that the law should be amended to enable the counties of 100,000 or smaller in population to remain open 3 nights prior to the close of registration, if they so desire. BDR 24-322, Exhibit G.

The subcommittee heard testimony concerning the conflicts between NRS sections relating to payment by counties for publication of the names of registered voters. Subsection 1 of NRS 293.440 conflicts with NRS 293.557(2). The subcommittee recommends that subsection 1 of NRS 293.440 be deleted. BDR 24-322, Exhibit G.

Moreover, the subcommittee concerned itself with the fact that many of those who request lists of registered voters pursuant to subsection 2 of NRS 293.440 would also like the addresses of the registered voters. Therefore, the subcommittee recommends that the law be amended to enable persons to purchase the names and addresses for one cent per name. BDR 24-322, Exhibit G.

The subcommittee heard testimony to the effect that the requirement that a list of registered voters be published 90 days in advance of the close of registration is a great burden on the large counties. The subcommittee, after much discussion, concurred in the recommendation that the requirement of the time for preparation of lists for such publication be deleted. This would not eliminate the publication requirement. BDR 24-322, Exhibit G.

The subcommittee heard testimony upon the subject of the requirement that a woman shall state whether she is married or single in order to register to vote. The subcommittee, believing that unnecessary classification ought to be avoided, recommended that the policy of the law in Nevada ought not to require women to register as Miss or Mrs., and that the symbol "Ms." be used in its place.

It was recommended that the county clerk mail sample ballots at least 15 days prior to the primary and general elections, and, if the county clerk deems it in the public interest to mail sample ballots for any other election, he may do so at the expense of the political subdivision holding such election. BDR 24-322, Exhibit G.

The subcommittee discussed provisions in NRS relating to the hiring of janitors at polling places. It was felt that the law should not restrict the hiring of any necessary help to keep the polling places in proper condition. Therefore, the subcommittee recommended the appropriate repealers and amendments to properly enable this objective to be carried out. BDR 24-322, Exhibit G.

It was recommended that it be mandatory, rather than permissive, that the city council publish a list of registered voters at all city elections. BDR 24-322, Exhibit G.

The subcommittee discussed the suitability of requiring naturalized citizens to show their naturalization papers in order to register to vote. It was the consensus of the subcommittee that this requirement ought not be tolerated, as it places a great burden upon such persons and it leads to the possibility of embarrassment. Therefore, the subcommittee recommended that this requirement be deleted from NRS. BDR 34-322, Exhibit G.

It was recommended that it should be the duty of the county clerk to issue certificates for all elections including election to the boards of school trustees. Thus, any conflict with this intent ought to be eliminated. BDR 34-326, Exhibit H.

It was the unanimous belief of the subcommittee that the provisions enabling disabled voters to receive aid to vote, which provisions had been inadvertently deleted from a bill considered in the last session of the legislature, should be reenacted. BDR 24-73, Exhibit I.

Electioneering and Soliciting at the Polls

Serious and lengthy discussion was had concerning NRS 293.592, which relates to soliciting votes and electioneering within 100 feet from the entrance of polling places.

One theory discussed encompassed the belief that, on election day, no soliciting or electioneering should be permitted within one block of the polling place.

On the other hand, it was pointed out that many people believe that any peaceful activity ought to be permitted, even at the entrance to the polling place.

It was suggested that the present law be clarified to include the parking of cars, upon which campaign signs are affixed, within the distance in question.

It was pointed out that the regulation of political activity at the polls involves conflicting interests under the U.S. and the Nevada Constitutions.

Initially, persons are guaranteed the right to freely speak and assemble by the First Amendment of the United States Constitution and sections 9 and 10 of article 1 of the Nevada constitution.

On the other hand, pursuant to the so-called police power, a state may properly infringe upon these rights based on the need to maintain the free flow of voters to the voting booth.

It is the belief of some that a restriction of campaign activities to one block from the polls on election day would be a violation of the right to freedom of expression guaranteed by the U.S. and the Nevada Constitutions. In any event, it was felt that any legislation in this area ought to be restricted to that which is reasonably necessary to promote the state's interests, i.e., to provide free access to the polls. (c.f. Konigsberg v. State Bar, (1961) 366 U.S. 36, 81 S. Ct. 997, 1006, 6 L.Ed.2d 105.)

The subcommittee reached no conclusion and submits the issue to the legislature.

Apportionment

Many problems were encountered in the attempts of local governments to apportion according to judicially established procedures. Of particular import to the subcommittee was the problem of the many small special districts in trying to apportion. Reference was made to NRS 237.025 and NRS 237.035. It was recommended that the term "local government unit" be defined to encompass only those governmental units which are coextensive with the county government.

Further clarification of the Local Government Apportionment Law was requested, with regard to the extent to which a district may be created for election purposes, with no requirement that the elected official reside therein, or whether residence is required. It was recommended that the decision as to the type of district to be created should be

left to the county commissioners after holding a public hearing. Both recommendations are attached as Exhibit J, BDR 19-324.

Voting Machines

The subcommittee agreed that the keys to the voting machines should be in the custody of the person conducting the election, unless he is running for office. In that case, the keys should be in the custody of the custodian who does the trouble-shooting on election days. The subcommittee thus recommends the appropriate amendment to NRS 293A.330.

The subcommittee recommended that the requirement that the county clerk attest the list of the voters casting votes at a particular precinct be eliminated. It was felt that the attesting requirement is a useless procedure. BDR 24-325, Exhibit K.

The subcommittee recommended that the words "and other" in NRS 293A.515 be changed to "or" to eliminate a technical inconsistency in the language. BDR 24-325, Exhibit K.

Concern was shown by the subcommittee as to the purpose of NRS 293A.035, relating to the definition of irregular ballots. No decision was made, but the Legislative Counsel was directed to research the definition to see why it is in NRS and what it does. Refer to the attached Legislative Counsel Opinion No. 72, Exhibit L.

The subcommittee was advised of the confusion surrounding the NRS use of numerous names for the various types of counters on voting machines. The Legislative Counsel Bureau was requested to investigate whether revision is needed in the law relating to this matter. Refer to the Legislative Counsel Opinion No. 72, Exhibit L.

Conclusion

The subcommittee was confronted with many problems concerning the Nevada election laws, and it attacked the problems that were the most pressing at this time. The subcommittee did not attempt to comment on all of the many and varied matters brought before it.

The subcommittee wishes to thank the many people who gave their time and effort to make this study complete. Of particular note, the subcommittee wishes to thank the county clerks and registrars of voters who contributed countless suggestions for revision to streamline Nevada's voting procedures. It can only be hoped that this study will prove fruitful to that end.

Respectfully submitted,

Assemblyman Darrell H. Dreyer,
Chairman

Assemblyman Mary Frazzini

Senator Len Harris

Senator Warren L. Monroe

Assemblyman Frank W. Young

Mrs. Maxine Hansen

Mr. Jack McCloskey

Mr. Harry K. Brown

Mr. Thomas A. Mulroy

SUMMARY--Proposes to amend Nevada constitution by eliminating the 6-month residency requirement for electors. Fiscal Note: No. (BDR C-329)

ASSEMBLY JOINT RESOLUTION--Proposing to amend section 1 of article 2 of the constitution of the State of Nevada; eliminating the 6-month residency requirement for electors.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 1 of article 2 of the constitution of the State of Nevada be amended to read as follows:

Section 1. All citizens of the United States (not laboring under the disabilities named in this constitution) of the age of eighteen years [and upwards,] or over, who shall have actually, and not constructively, resided in the state [six months,] and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now or hereafter may be elected by the people, and upon all questions submitted to the electors at such election; provided, that no person who has been or may be convicted of treason or felony in any state or territory of the United States, unless restored to civil rights, and no idiot or insane person shall be entitled to the privilege of an elector. There shall be no denial of the elective franchise at any election on account of sex. The legislature may provide by law the conditions under which a citizen of the United States who does not have the status of an elector in another state and who does not meet the residence requirements of this section may vote in this state for President and Vice President of the United States.

SUMMARY--Eliminates the six month residency requirement for registration for voting and repeals new resident voting provisions. Fiscal Note: No. (BDR 24-328)

AN ACT relating to registration for voting; eliminating the six month residency requirement for registration for voting; repeals provisions classifying new residents for presidential voting purposes; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.485 is hereby amended to read as follows:

293.485 1. [Except as provided in section 1 of article 2 of the constitution of the State of Nevada, every] Every citizen of the United States, 18 years of age or over, who has continuously resided in this state [6 months] and in the county 30 days and in the precinct 10 days next preceding the day of the next succeeding primary or general election, and who has registered in the manner provided in this chapter, shall be entitled to vote at such election.

2. This section shall not be construed to exclude the registration of eligible persons whose 18th birthday or the date of whose completion of the required residence occurs on or before the next succeeding primary, general or other election.

Sec. 2. NRS 298.090, 298.100, 298.110, 298.120, 298.130, 298.140, 298.150, 298.160, 298.170, 298.180, 298.190, 298.200, 298.210, 298.220, 298.230 and 298.240 are hereby repealed.

Sec. 3. This act shall become effective upon passage and approval.

SUMMARY--Creates a vacancy when officeholder moves out of his district. Fiscal Note: No. (BDR 24-327)

AN ACT relating to elections; providing that a vacancy exists when an officeholder moves out of his district; and providing other matters properly related thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 is hereby amended by adding thereto a new section which shall read as follows:

Residency, for the purposes of qualifying to run for office, unless otherwise indicated, means, in addition to residency at the time of filing for candidacy, residency within the appropriate district for the duration of the term of office. If a candidate or elected official moves his residence out of the district from which he is running or elected, a vacancy will have been created thereby, and the appropriate action for filling such vacancy shall be taken.

SUMMARY--Requires that members of the board of regents of the University of Nevada System be residents of the sub-district from which they are elected. Fiscal Note: No. (BDR 34-330)

AN ACT relating to elections, providing that members of the board of regents of the University of Nevada System be residents of the subdistrict from which they are elected; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 396.040 is hereby amended to read as follows:

396.040 1. After January 1, 1973, the board of regents shall consist of nine members to be elected by the registered voters within the following districts:

(a) Washoe County shall be known as district No. 1, with two members of the board of regents residing therein.

(b) Clark County shall be known as district No. 2, with five members of the board of regents residing therein.

(c) The remainder of the state shall be known as district No. 3, with two members of the board of regents residing therein, as provided in NRS 396.041.

2. The members of the board of regents shall be elected as follows:

(a) At the general election in 1972:

(1) From district No. 1, one member of the board of regents shall be elected for a term of 6 years.

(2) From district No. 2, two members of the board of regents shall be elected for terms of 6 years, and one member of the board of regents shall be elected for a term of 4 years.

(3) From district No. 3, no member shall be elected.

(b) At the general election in 1974:

(1) From district No. 1, one member of the board of regents shall be elected for a term of 6 years.

(2) From district No. 2, one member of the board of regents shall be elected for a term of 6 years and one member of the board of regents shall be elected for a term of 2 years.

(3) From district No. 3, one member of the board of regents shall be elected for a term of 6 years and one member of the board of regents shall be elected for a term of 2 years.

(c) At the general election in 1976 : [, and every 6 years thereafter:]

(1) From district No. 1, no members of the board of regents shall be elected.

(2) From district No. 2, two members of the board of regents shall be elected for terms of 6 years.

(3) From district No. 3, one member of the board of regents shall be elected for a term of 6 years.

(d) At the general election in 1978 and thereafter, all terms shall be for 6 years.

3. The members of the board of regents as the board is constituted on May 4, 1971 shall continue to hold office for the terms for which they were elected.

Sec. 2. NRS 396.041 is hereby amended to read as follows:

396.041 1. In district No. 1 created by NRS 396.040, one member shall be elected from each subdistrict hereby created, [in which residence shall not be required:] and he shall be a resident of the subdistrict from which he is elected:

(a) Subdistrict A shall consist of assembly districts Nos. 23, 24, 25, 27 and 28.

(b) Subdistrict B shall consist of assembly districts Nos. 26, 29, 30, 31 and 32.

2. In district No. 2, created by NRS 396.040, one member shall be elected from each subdistrict hereby created, [in which residence shall not be required:] and he shall be a resident of the subdistrict from which he is elected:

(a) Subdistrict A shall consist of assembly districts Nos. 7, 18 and 19; enumeration districts Nos. 242, 243B, 243D, 244, 247B, 248, 291, 292, 293 and 294 in assembly district No. 17 and enumeration districts Nos. 241, 249, 279, 280, 281, 282, 283, 284A, 284B, 285, 286, 288, 289, 297, 299, 300, 301A, 301B and 302 in assembly district No. 20.

(b) Subdistrict B shall consist of assembly districts Nos. 1, 2, 3, 4 and enumeration districts Nos. 85, 87, 108 and 147 in assembly district No. 8.

(c) Subdistrict C shall consist of assembly districts Nos. 5, 10, 13, 15 and enumeration districts Nos. 126, 127, 128, 129, 165A and 166 in assembly district No. 8.

(d) Subdistrict D shall consist of assembly districts Nos. 14, 16, 21 and 22; enumeration districts Nos. 240, 277, 278, 296 and 298 in assembly district No. 17 and enumeration district No. 290 in assembly district No. 20.

(e) Subdistrict E shall consist of assembly districts Nos. 6, 9, 11, 12 and enumeration districts Nos. 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121 and 123 in assembly district No. 8.

3. In district No. 3, created by NRS 396.040 one member shall be elected from each subdistrict hereby created, [in which residence shall be required:] and he shall be a resident of the subdistrict from which he is elected:

(a) Subdistrict A shall comprise the area of the state included within the Northern Nevada and Central Nevada senatorial districts.

(b) Subdistrict B shall comprise the area of the state included within the Western Nevada and Capital senatorial districts.

4. Assembly districts, senatorial districts and enumeration districts, as used in this section, refer to and have the meaning conferred by the appropriate provisions of chapter 218 of NRS.

Sec. 3. NRS 396.042 is hereby repealed.

SUMMARY--Requires members of the state board of education be residents of the subdistrict from which they are elected or appointed. Fiscal Note: No. (BDR 34-331)

AN ACT relating to elections; requiring that members of the state board of education be residents of the subdistrict from which they are elected or appointed; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.021 is hereby amended to read as follows:

385.021 1. On July 1, 1971, the state board of education shall be composed of the seven members elected at the general election in 1970 and the two members, representative of labor and agriculture, appointed by the elected members of the board pursuant to law. The terms of the appointive members shall expire on January 1, 1973. If a vacancy occurs in the office of an appointive member between July 1, 1971, and January 1, 1973, the elected members shall fill the vacancy by the appointment of a new member without regard to representation of labor or agriculture for the remainder of the unexpired term but not beyond January 1, 1973.

2. On and after the 1st Monday in January 1973, the state board of education shall consist of nine lay members to be elected by the registered voters within the following districts:

(a) Washoe County shall be known as district No. 1 . [, with two members of the board residing therein.]

(b) Clark County shall be known as district No. 2 . [, with five members of the board residing therein.]

(c) The remainder of the state shall be known as district No. 3 . [, with two members of the board residing therein.]

3. The board in existence on January 1, 1972, shall determine, by lot or otherwise, two members of such board whose terms will expire on January 1, 1973, making such determination in a manner best designed to effectuate the geographical districts established by NRS 385.022 and the staggered terms established by this section. The board shall also determine the particular subdi trict to be represented by each member.

4. For the general election in 1974 and thereafter each board member must be a resident of the subdistrict from which that member is elected as prescribed in NRS 385.022.

5. At the general election in 1972, and every 4 years thereafter:

(a) From district No. 1, one member of the board shall be elected for a term of 4 years.

(b) From district No. 2, two members of the board shall be elected for a term of 4 years.

(c) From district No. 3, one member of the board shall be elected for a term of 4 years.

[5.] 6. At the general election in 1974, and every 4 years thereafter:

(a) From district No. 1, one member of the board shall be elected for a term of 4 years.

(b) From district No. 2, three members of the board shall be elected for a term of 4 years.

(c) From district No. 3, one member of the board shall be elected for a term of 4 years.

[6.] 7. If a vacancy occurs on the state board of education from among the elected members, the governor shall appoint a member to fill the vacancy until the next general election, at which election a member shall be chosen for the balance of the unexpired term. The appointee must be a resident of the subdistrict where the vacancy occurs.

[7.] 8. No member of the state board of education may be elected to such office more than three times.

[8.] 9. No person who has been a member of the state board of education at any time prior to July 1, 1971, may be elected to the office again more than twice.

Sec. 2. NRS 385.022 is hereby amended to read as follows:

385.022 1. In district No. 1, created by NRS 385.021, one member shall be elected from each subdistrict hereby created : [, in which residence shall not be required:]

(a) Subdistrict A shall consist of assembly districts Nos. 23, 24, 25, 27, and 28.

(b) Subdistrict B shall consist of assembly districts Nos. 26, 29, 30, 31 and 32.

2. In district No. 2, created by NRS 385.021, one member shall be elected from each subdistrict hereby created : [, in which residence shall not be required:]

(a) Subdistrict A shall consist of assembly districts Nos. 7, 18 and 19; enumeration districts Nos. 242, 243B, 243D, 244, 247B, 248, 291, 292, 293 and 294 in assembly district No. 17 and enumeration districts Nos. 241, 249, 279, 280, 281, 282, 283, 284A, 284B, 285, 286, 288, 289, 297, 299, 300, 301A, 301B and 302 in assembly district No. 20.

(b) Subdistrict B shall consist of assembly districts Nos. 1, 2, 3, 4 and enumeration districts Nos. 85, 87, 108 and 147 in assembly district No. 8.

(c) Subdistrict C shall consist of assembly districts Nos. 5, 10, 13, 15 and enumeration districts Nos. 126, 127, 128, 129, 165A and 166 in assembly district No. 8.

(d) Subdistrict D shall consist of assembly districts Nos. 14, 16, 21 and 22; enumeration districts Nos. 240, 277, 278, 296 and 298 in assembly district No. 17 and enumeration district No. 290 in assembly district No. 20.

(e) Subdistrict E shall consist of assembly districts Nos. 6, 9, 11, 12 and enumeration districts Nos. 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121 and 123 in assembly district No. 8.

3. In district No. 3, created by NRS 385.021, one member shall be elected from each subdistrict hereby created : [, in which residence shall be required:]

(a) Subdistrict A shall comprise the area of the state included within the Northern Nevada and Central Nevada senatorial districts.

(b) Subdistrict B shall comprise the area of the state included within the Western Nevada and Capital senatorial districts.

4. Assembly districts, senatorial districts and enumeration districts, as used in this section, refer to and have the meaning conferred by the appropriate provisions of chapter 218 of NRS.

SUMMARY--Changes residency requirements for hospital trustees.
Fiscal Note: No. (BDR 40-332)

AN ACT to amend NRS 450.070, relating to elections; eliminating the requirement that no more than three members of boards of hospital trustees be residents of the community in which the hospital is located; requiring residency in the district from which the trustee is elected; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 450.070 is hereby amended to read as follows:

450.070 1. The board of hospital trustees for the public hospital shall consist of five trustees, who shall:

(a) Be residents of the county or counties concerned, [but not more than three shall be residents of the city or town in which the hospital is to be located. In Carson City, all trustees shall be residents of Carson City.] except for trustees running for election in subdistricts provided in subsection 2, who shall be residents of such subdistrict.

(b) Be elected from the hospital trustee districts as provided in [subsection 2.] subsections 2 and 3.

2. In any county whose population is 200,000 or more, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, hospital trustee districts are hereby created as follows:

(a) Subdistrict A shall consist of assembly districts Nos. 7, 18 and 19; enumeration districts Nos. 242, 243B, 243D, 244, 247B, 248, 291, 292, 293 and 294 in assembly district No. 17 and enumeration districts Nos. 241, 249, 279, 280, 281, 282, 283, 284A, 284B, 285, 286, 288, 289, 297, 299, 300, 301A, 301B and 302 in assembly district No. 20.

(b) Subdistrict B shall consist of assembly districts Nos. 1, 2, 3, 4 and enumeration districts Nos. 85, 87, 108 and 147 in assembly district No. 8.

(c) Subdistrict C shall consist of assembly districts Nos. 5, 10, 13, 15 and enumeration districts Nos. 126, 127, 128, 129, 165A and 166 in assembly district No. 8.

(d) Subdistrict D shall consist of assembly districts Nos. 14, 16, 21 and 22; enumeration districts Nos. 240, 277, 278, 296 and 298 in assembly district No. 17 and enumeration district No. 290 in assembly district No. 20.

(e) Subdistrict E shall consist of assembly districts Nos. 6, 9, 11, 12 and enumeration districts Nos. 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121 and 123 in assembly district No. 8.

3. In other counties:

(a) Whose population is less than 100,000, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, hospital trustees shall be

elected for terms of 4 years in the same manner as other county officers are elected. [No more than three members of the board shall be residents of the city or town in which the hospital is located.]

(b) In any county whose population is 100,000 or more but less than 200,000, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, hospital trustees shall be elected from the county at large for terms of 4 years.

SUMMARY--Eliminates requirement that certain information accompany notice of political party precinct meetings. Fiscal Note: No. (BDR 24-323)

AN ACT relating to political parties; eliminating requirement that notice that a certain number of delegates will be chosen at precinct meetings accompany notice of precinct meetings; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.130 is hereby amended to read as follows:

293.130 1. On dates set by the respective state central committees, but if no earlier date is set then on the 2nd Tuesday in April, in each year in which a general election is to be held, a county convention of each political party shall be held at the county seat of each county or at such other place in the county as the county central committee designates.

2. The county central committee of each political party shall cause notice of the holding of such county convention of its party to be published in one or more newspapers, if any, published in such county, which notice shall be in substantially the following form:

Notice of (Name of Party) Convention

Notice is hereby given that the county Convention of the
Party for County will be held at,
on, the day of, 19 ...; that at the convention
delegates to the State Convention will be elected, a
county central committee to serve for the ensuing 2 years will be
chosen, and other party affairs may be considered . [; that
delegates to such county convention shall be chosen at
(name of party) precinct meetings to be held in each voting
precinct in the county on or before the day of,
19 ...; and that each of the voting precincts is entitled to the
number of delegates specified below after the name of such precinct,
as follows:

Name of precinct

Number of delegates

..... to

..... to

..... (Name of party)]

County Central Committee of County, Nevada

By (Its Chairman)

And (Its Secretary)

Sec. 2. 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 regis-
tered voters of the party, registered as such, residing in each

voting precinct entitled to delegates in the county convention, to be called and held on or before the fifth day preceding the dates set by the respective state central committees in each year in which a general election is held, or if no earlier date is set then on or before the fifth day before the 2nd Tuesday in April.

2. The meeting may be held:

(a) In any building, public or private, within the precinct;
or

(b) If no suitable public or private building is available within the precinct, then in any public building within the ward or voting district, if any, in which such precinct is located.

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 shall be printed in conspicuous display advertising format of not less than 10 column inches, and shall include the following language, or words to like effect:

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.

(c) Such further means as conditions existing in the precinct may reasonably require.

4. The notice shall 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.] from each precinct.

Sec. 3. NRS 293.137 is hereby amended to read as follows:

293.137 1. Promptly at the time and place appointed therefor, such [mass] precinct meeting shall be convened and organized in each precinct. If access to the premises appointed for any such meeting is for any reason not available, the meeting may be convened at an accessible place immediately adjacent thereto. All

such meetings shall be conducted openly and publicly and in such a manner that they are freely accessible to any registered voter of the party calling the meeting who resides in the precinct and is desirous of attending the meeting, until the meeting is adjourned. At the meeting the delegates to which the members of the party residing in the precinct are entitled in the party's county convention shall be elected by ballot. The result of the election shall be certified to the county convention of the party by the chairman and the secretary of the meeting upon the forms specified in subsection 3.

2. If any precinct fails to elect delegates to any party's county convention, the county central committee then in office may fill the vacancies from qualified members of the party in such precinct, and the secretary of the county central committee shall certify the same to the county convention.

3. The county central committee shall prepare and number serially a number of certificate forms equal to the total number of delegates to be elected throughout the county, and deliver the appropriate number to each precinct meeting. Each certificate shall be in duplicate. The original shall be given to the elected delegate, and the duplicate transmitted to the county central committee.

4. All such duplicates shall be delivered to the chairman of the preliminary credentials committee of the county convention.

Every delegate who presents a certificate matching one of the duplicates shall be seated without dispute.

Sec. 4. NRS 293.155 is hereby amended to read as follows:

293.155 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;] proxy, unless prohibited by a party rule; 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] registered voter 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.

SUMMARY--Makes various technical changes in election laws. Fiscal Note: No. (BDR 24-322)

AN ACT relating to elections; making application for absent ballots less formal; changing fee charged for lists of voters; eliminating requirement that naturalized citizens display naturalization papers to register; removing requirement that county clerk prepare list of registered voters 90 days before close of registration; requiring certain voter registration offices to remain open 3 nights before the close of registration; streamlining sample ballot procedure; eliminating inconsistencies; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.313 is hereby amended to read as follows:

293.313 1. Any registered voter who [executes a statement in substantially the form provided in subsection 3] provides sufficient notice to the county clerk, may vote an absent ballot as provided in this chapter if, on the day of voting at any general or primary election, he is or expects to be:

(a) Absent from the precinct or district in the county of his residence because of the nature of his vocation, business or any other unavoidable cause.

(b) Unable, because of illness or physical disability, to go to the polling place; or

(c) In the service of the United States.

2. The spouses and dependents of any voter referred to in subsection 1 may vote in the same manner as such voter if, by reason of the services of such voter, they are required to reside beyond the boundaries of the state.

3. [The county clerk shall furnish, upon request, an application for absent ballot substantially in the following form:

APPLICATION FOR ABSENT BALLOT

for the election, held on
(Date)

Name Residence address at which registered to
vote
(Street) (Town or City)
in Precinct. Political party affiliation

(Check one of the blocks below consistent with your intention.)

☐ I intend to establish my residence outside of County, Nevada, and hereby request that my present affidavit of registration to vote in this county be canceled after I use this ballot.

☐ I do not intend to abandon my residence in County, Nevada, and I intend to vote in the next election in this county.

I will not be present at my regular precinct polling place on the above election day and hereby request, in compliance with chapter 293 of NRS, that an absent ballot be sent to me at

.....
(Complete address to which ballot is to be sent including zip code)

.....
(Applicant's signature)

4. The form prescribed by subsection 3 may be of such size and include additional spaces properly designated as are necessary for the application to be used as a part or a page of the absent ballot record book required by NRS 293.325, but this subsection shall not be construed to preclude the use of a separate record book.

5.] Any person who has voted by absent ballot at two consecutive general elections shall be required to reregister before voting in any subsequent election.

Sec. 2. NRS 293.440 is hereby amended to read as follows:

293.440 1. [When the county clerk causes a list of registered voters, segregated by districts or precincts, to be published in any newspaper circulated in such county, newspapers publishing such list shall not be paid more than 10 cents per name.

2.] Any person desiring a copy of any precinct, district or county list of registered voters and their addresses, may obtain such copy by applying at the office of the county clerk and paying therefor a sum of money equal to [one-half] one cent per each name on such list, but one copy of each original and supplemental precinct, district or county list shall be provided to the county central committee of any political party, as defined in NRS 293.073, upon request, without charge.

[3.] 2. A county may not pay more than 10 cents per folio or more than \$6 per thousand copies for printed precinct or district lists.

Sec. 3. NRS 293.460 is hereby amended to read as follows:

293.460 The compensation of voting board officers, counting board officers, specially appointed deputy sheriffs , [and other] election board officers and other employees shall be fixed by county [ordinance.] ordinance, resolution or order.

Sec. 4. NRS 293.523 is hereby amended to read as follows:

293.523 1. [Except as provided in subsection 2, no naturalized citizen may be registered unless he produces his certificate of naturalization.

2. If it appears to the county clerk, by the affidavit of the applicant and one registered voter, that such citizen's certificate of naturalization is lost or destroyed or temporarily beyond the reach of the applicant, the county clerk shall register the name of such applicant, unless he is by law otherwise disqualified. If a naturalized citizen fails to produce his certificate of naturalization, the] A naturalized citizen need not produce his certificate of naturalization in order to qualify to be registered.

2. The county clerk shall propound, in addition to the questions on the registration form, the following questions:

- (a) In what year did you come to the United States?
- (b) [Where did you last see your certificate of naturalization?
- (c)] Where were you admitted to citizenship?

[3. When a naturalized citizen has registered to vote in a county and he applies to reregister in such county, he shall not be required to produce his certificate of naturalization.]

Sec. 5. NRS 293.557 is hereby amended to read as follows:

293.557 1. [At least 90 days prior to the closing of registration for any election, the county clerk shall prepare and date an alphabetical list of the persons whose names remain on the county clerk's register of each precinct and district. He] The county clerk shall cause to be published once in each of the newspapers circulated in different parts of the county a list of all registered voters, segregated by precincts or districts, within the circulation area of each newspaper, or cause to be published once in a newspaper circulated in the county a segregated listing for the entire county:

(a) At least 75 days before any primary election.

(b) After each primary election and not less than 2 weeks before the close of registration for the ensuing general election.

2. The county may not pay more than 10 cents per name for six-point or seven-point type or 15 cents per name for eight-point type or larger to each newspaper publishing the list.

3. The list of registered voters shall not be printed in type smaller than six-point.

Sec. 6. NRS 293.560 is hereby amended to read as follows:

293.560 1. Registration shall close at 9 p.m. of the fifth Saturday preceding any primary election and at 9 p.m. of the fifth Saturday preceding any general election.

2. [During the last 5 days before registration closes, registration] Registration offices shall be open from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m., including [Saturdays.] Saturdays, during the last days before registration, according to the following schedule:

(a) In counties which have a population of 100,000 or less, registration offices shall be open during the last 3 days before registration closes;

(b) In all other counties, registration offices shall be open during the last 5 days before registration closes.

3. The county clerk of each county shall publish in a newspaper having a general circulation in the county a notice signed by him indicating the day that registration will be closed. If no such newspaper is published in the county, then such publication may be made in a newspaper of general circulation published in the nearest Nevada county.

4. Such notice shall be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. At least 15 days before the time when the county clerk's register is closed for any election, the county clerk shall mail a copy of such notice to deputy registrars, to be posted in a conspicuous place in each voting precinct outside incorporated cities and in which there is no newspaper of general circulation.

Sec. 7. NRS 293.565 is hereby amended to read as follows:

293.565 1. At least 15 days prior to [any election,] primary and general elections, the county clerk shall cause to be mailed to each registered voter in the county a sample ballot for his precinct with a notice informing such voter of the location of his polling place.

2. The county clerk may mail sample ballots for any other election. The cost of mailing sample ballots for elections which are not either primary or general elections shall be borne by the political subdivision holding such election.

Sec. 8. NRS 293.580 is hereby amended to read as follows:

293.580 [If the city council or other governing body of the city deems it necessary or expedient, it] The city council or other governing body of the city shall cause a list of the electors registered to vote at any city election to be published.

Sec. 9. NRS 293.453 is hereby repealed.

SUMMARY--Enables county clerk to issue election certificates for school trustees-elect. Fiscal Note: No. (BDR 34-326)

AN ACT to amend NRS 386.260, relating to elections; enabling the county clerk to issue election certificates for school trustees-elect; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.260 is hereby amended to read as follows:

386.260 1. Trustees shall be elected as provided in the election laws of this state.

2. After the close of any election, and in accordance with law, the board of county commissioners shall make abstracts of the votes cast for trustees and shall immediately transmit the abstracts to the board of trustees of the county school district.

Upon receipt of the abstracts, the board of trustees shall:

- (a) Meet forthwith.
- (b) Examine the abstracts.
- (c) Declare the results of the election.
- (d) Order the [clerk of the board of trustees] county clerk to issue election certificates to the candidates elected.

3. Immediately, the [clerk of the board of trustees] county clerk shall transmit a copy of each election certificate to the superintendent of public instruction.

SUMMARY--Provides voting assistance to the physically disabled.
Fiscal Note: No. (BDR 24-73)

AN ACT relating to elections; providing for voting assistance to the physically disabled.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section which shall read as follows:

Any registered voter who declares under oath that by reason of physical disability he is unable to mark a ballot or use a voting machine shall, at his request, be given assistance in stamping the ballot or using the voting machine by any registered voter he may designate, other than an election officer. The same registered voter may assist more than one other registered voter, at the discretion of the election board.

SUMMARY--Redefines the constitution of local government units.
Fiscal Note: No. (BDR 19-324)

AN ACT relating to elections; redefining local government unit; providing for methods of electing representatives; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 237.025 is hereby amended to read as follows:
237.025 As used in this chapter, unless the context requires otherwise:

1. "Assembly district" means any district created pursuant to the legislative districting provisions of chapter 218 of NRS for the election of assemblymen.

2. ["Enumeration district" means the series of geographical units in each county of the state, and Carson City, which have been created by the Bureau of the Census of the United States Department of Commerce and to each unit of which the Bureau of the Census has assigned a fixed population count, which, when added to the fixed population count of all other units in the series, produces the official population count of the county, and Carson City, giving recognition to the official population count of each township, as of April 1, 1970.

3.] "Local government unit" means any unit of local government in the State of Nevada, [including but not limited to

counties, incorporated cities and towns, unincorporated towns, school districts, general improvement districts, local improvement districts, housing authorities, hospital districts, county hospitals and all other special districts.] the boundaries of which are coextensive with and which duplicate the county lines of the county in which such unit is located.

[4. "Senatorial district" means any district created pursuant to the legislative districting provisions of chapter 218 of NRS for the election of senators.]

Sec. 2. NRS 237.035 is hereby amended to read as follows:

237.035 1. Except as otherwise specifically provided by law, the governing board of any local government unit, whose members are chosen by popular vote [is hereby directed,] shall, by the enactment of an ordinance or the adoption of a resolution or order, [to] divide the geographical area it serves into the number of election districts which is identical with the number of members serving on such board. [Such division shall be accomplished prior to January 1, 1972.]

2. Such districts shall be single-member districts and shall be formed with reference to assembly districts insofar as practicable. All such districts created pursuant to the provisions of this subsection shall be of as nearly equal population as is practicable. Municipal corporations [whose charters provide for redistricting, or cities incorporated under general law,] are hereby exempted from the requirements of this section.

3. Nothing in this section shall be construed to direct or authorize any change in the number of members composing the governing body or board as such body or board is constituted on July 1, 1971.

4. The members of such bodies or boards covered by the provisions of this section, as constituted on July 1, 1971, shall continue to hold office for the terms for which they were elected.

Sec. 3. Chapter 237 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. The single-member districts mentioned in subsection 2 of NRS 237.035 may be constructed so that the voters in each district elect their representative; or such districts may be constructed so that the elected representatives are elected by all of the voters in the local government unit.

2. The question of whether the elected representatives of the local government unit are to be elected solely by the voters in their district or by all of the voters in the local government unit, shall be determined by resolution of the board of county commissioners after holding a public hearing on the matter.

3. In either case, elected representatives shall be residents of the district which they represent, throughout their term of office.

Sec. 4. This act shall become effective upon passage and approval.

SUMMARY--Amends certain voting machine provisions. Fiscal
Note: No. (BDR 24-325)

AN ACT relating to elections; clarifying law requiring election boards to supply information with keys to voting machines; describes ballot to be used in voting machines; and eliminates requirement that clerk attest a posted copy of election results.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293A.175 is hereby amended to read as follows:

293A.175 The voting devices for the candidates at primary elections shall be arranged in separate parallel party lines, one or more lines for each party, and in parallel office rows transverse thereto, and for general elections shall conform as nearly as practicable to the form of ballot provided for general elections . [where voting machines are not used.]

Sec. 2. NRS 293A.460 is hereby amended to read as follows:

293A.460 1. The election board shall, before they adjourn, post conspicuously on the outside of the polling place a copy of the result of the votes cast at the polling place. The copy of the result shall be signed by the election board . [and attested by the clerk.]

2. If the machine is provided with a recording device, the statement of return of votes cast produced by operating its

mechanism may be considered the "result of the votes cast" at the polling place.

Sec. 3. NRS 293A.515 is hereby amended to read as follows:

293A.515 The election board shall enclose the keys of the machine in an envelope, which shall be supplied by the officials, on which envelope they shall write the number of the machine, the number on the seal, the number registered on the protective counter, and the precinct [and other] or district where it has been used. They shall securely seal, endorse, and return the envelope to the officer from whom the keys were received.



ARTHUR J. PALMER, *Director*

CLINTON E. WOOSTER, *Legislative Counsel*
EARL T. OLIVER, C.P.A., *Fiscal Analyst*
ARTHUR J. PALMER, *Research Director*

January 3, 1973

LCO No. 72

TO THE MEMBERS OF THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE
FOR STUDY OF ELECTION LAWS

Re: Legislative Counsel Bureau Opinion No. 72--
Advisability of revision of chapter 218 of
NRS relating to voting machines

Ladies and Gentlemen:

You have requested an analysis of the NRS provisions relating to voting machines, the analysis being directed toward possible future revision of NRS.

Question No. 1

Is it feasible to eliminate from NRS, the various names which describe counting devices employed on voting machines?

Answer

It is not feasible to eliminate from NRS, the various names which describe counting devices employed on voting machines, but other revisions seem appropriate to clarify the law, eliminate conflicts and to prevent further confusion.

Analysis

The extensive voting machine law in NRS is based substantially upon California's voting machine law. Thus, the feasibility of the use of terms can be justified on the fact that California's law is more extensive and covers more detail than Nevada's, and, thus, the numerous names selected for the various counters are necessary to distinguish them.

However, it appears from the similar language of the two states' legislation that the same or similar voting machines were contemplated when the laws were drafted.

Both California and Nevada deal with protective or public counters. Such counters are defined as "a counter device that will register each time the machine is operated," (Cal. El.C. 14938) and as "a counter or device that will register each time the machine is operated" (NRS 293A.045).

Moreover, both California and Nevada provide by law for another type of counter, which is unnamed. "A voting machine shall be provided with a counter which shall show at all times during an election how many persons have voted." (Cal. El.C. 15022; NRS 293A.155.)

The difference between these two counters is the purpose for their existence. The public or protective counter registers each time a voter uses the machine, commencing with the very first voter when the machine is put into service. Each time a voter uses the machine, and at all elections thereafter, the protective counter registers his vote and tallies the total number of persons who have ever used the machine.

The second, unnamed, counter, registers only the number of voters that vote at each election, and is reset to 000 when all votes are counted.

The conclusion to be reached, therefore, is that it is necessary to have the different names for the different counters, to distinguish between them.

However, there does appear to be a serious ambiguity in NRS relating to these counters.

NRS 293A.315 requires, among other things, that a party representative who examines a voting machine, certifies as "* * * to the reading shown on the public counter;" and as "* * * to the number registered on each protective counter * * *" (Emphasis added.) The problem lies in the fact that, according to NRS 293A.045, "protective counters" and "public counters" describe the same device. Thus, it is not at all clear why a party representative should be required to certify twice as to the reading on the same counter unless it was the intent of the NRS section to refer to two different counters.

The problem does not confront California (as it does Nevada) because NRS 293A.315 does not owe its origins to the 1971 "adoption" of the California Elections Code. The history of NRS 293A.315 indicates that it was added to NRS in 1960, and it was amended in 1971 by a different bill from the one that enacted the voting machine law of California. A.B. 564 amended NRS 293A.315, while A.B. 426 enacted the California provisions.

The conclusion is that NRS 293A.315 was not properly conformed to the extensive voting machine law as it was adopted in 1971. Its improper reference to public counters and then to protective counters, when such counters are the same device, leads to confusion that ought to be clarified.

Moreover, the names of the counters ought to be made clear. It would seem justifiable to provide as the name of one counter "public" or "protective." This counter protects the public from having the machines tampered with, which tampering would destroy the freedom of the election. But the other, unnamed counter ought to be identified by name. This is justified by the fact that NRS 293A.320 and 293A.-325 refer to the fact that all counters or all registering counters are set at zero, while both sections describe protective counters being set at a different number.

It would, therefore, be advisable to name the unnamed counter "voter" counter or the like.

Additionally, it is suggested that NRS 293A.315 adds only a slight technical requirement to the requirements listed in NRS 293A.320, and thus it ought to be repealed and the technical requirement spoken of above should be added to NRS 293A.320.

Conclusion

It is not feasible to eliminate from NRS, the various names which describe counting devices employed on voting machines, but other revision seems appropriate to clarify the law, eliminate conflicts and to prevent further confusion.

Question No. 2

Is it advisable to eliminate NRS 293A.035, which provides the definition of irregular ballots?

Answer

NRS 293A.035 should be repealed as having no legal effect.

Analysis

The concern of some members of the subcommittee centers on the implication that NRS 293A.035, which defines irregular ballots, seems to prohibit the writing-in of candidates on ballot labels. However, the terms of the section do not have this legal effect, and there are no other provisions in NRS which do give "irregular ballot" a legal effect. The history of NRS 293A.035 indicates that it was enacted during the 1971 session of the legislature, when the extensive voting machine provisions were enacted. Research indicates that chapter 293A is based substantially on the California Election Code provisions relating to voting machines. (Sections 14900 through 15281 of the California Election Code.)

It appears that these sections in the California Code, dealing with irregular ballots, with the one exception of the definition of irregular ballots, were omitted from NRS. (c.f. Cal. El.C. 15196-15199)

Through bill drafting oversight, the definition of irregular ballots was left in the bill when it was drawn.

Therefore, NRS 293A.035 should be repealed as having no legal effect, not because it has an adverse effect.

Election Laws Subcommittee
January 3, 1973
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Conclusion

NRS 293A.035 should be repealed as having no legal effect.

Very truly yours,

CLINTON E. WOOSTER
Legislative Counsel

By Nick Harkins
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Deputy Legislative Counsel

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