

A. B. 200—Hilbrecht, Feb. 7.

Summary—Creates presidential primary election. (BDR 24-1330)

Feb. 7—Read first time. Referred to Committee on Elections. To printer.

Feb. 10—From printer. To committee. 2/11; 2/18

Feb. 12—From committee: Do pass. Placed on Chief Clerk's desk.

✓Feb. 18—Taken from Chief Clerk's desk. Placed on Second Reading File. Read second time. Amended. To printer.✓

Feb. 19—From printer. To engrossment. Engrossed.

Feb. 20—Taken from General File. Re-referred to Committee on Ways and Means. To committee. 3/17; 4/9

Apr. 9—From committee: Do pass.

✓Apr. 10—Read third time. Passed, as amended. Title approved. To Senate.

Apr. 11—In Senate. Read first time. Referred to Committee on Judiciary. To committee. 4/12; 4/15

✓Apr. 17—From committee: Amend, and re-refer to Committee on Finance. Read second time. Amended. Re-referred to Committee on Finance. To printer.✓ No Minutes

✓Apr. 18—From printer. To re-engrossment. Re-engrossed. To committee. From committee: Do pass, as amended. Read third time. passed, as amended. Title approved. To Assembly.

Apr. 19—In Assembly. Senate amendment not concurred in. To Senate. In Senate. Senate amendment not receded from. Conference requested. First Committee on Conference appointed by Senate. To Assembly. In Assembly. First Committee on Conference appointed by Assembly. To committee.

✓Apr. 20—From committee: Concur in Senate amendment, and further amend. First Conference report adopted by Assembly.

✓Apr. 21—First conference report adopted by Senate. To enrollment.✓

Apr. 24—Enrolled and delivered to Governor.

Apr. 29—Vetoed by the Governor. Return to 1971 Legislature.

ASSEMBLY BILL NO. 200—MR. HILBRECHT

FEBRUARY 7, 1969

Referred to Committee on Elections

SUMMARY—Creates presidential primary election. (BDR 24-1330)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to elections; creating a presidential primary election; making an appropriation therefor; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Title 24 of NRS is hereby amended by adding thereto a
- 2 new chapter to consist of the provisions set forth in sections 2 to 29, inclu-
- 3 sive, of this act.
- 4 SEC. 2. This chapter may be cited as the Presidential Primary Law.
- 5 SEC. 3. The provisions of chapter 293 of NRS apply to presidential
- 6 primary elections except where specifically provided otherwise.
- 7 SEC. 4. 1. All political parties qualified pursuant to subsection 1 of
- 8 NRS 293.073 shall participate in the presidential primary election under
- 9 the provisions of this chapter.
- 10 2. Any political party qualified pursuant to subsection 2 of NRS
- 11 293.073 may participate in the presidential primary election under the
- 12 provisions of this chapter.
- 13 SEC. 5. 1. On or before December 1 preceding a presidential pri-
- 14 mary year, the chairman of the state central committee of each political
- 15 party participating in the presidential primary election shall file in the
- 16 office of the secretary of state a notice in writing stating the number of
- 17 persons to be selected as potential delegates to represent the state at the
- 18 next national convention of his party.
- 19 2. The statement of the number of delegates shall be in substantially
- 20 the following form:

STATEMENT OF NUMBER OF DELEGATES TO
PARTY NATIONAL CONVENTION

To the Secretary of State
Carson City, Nevada

You are hereby notified that the number of persons to be selected as
potential delegates to represent the State of Nevada in the next national
convention of the party is.....

Dated this day of, 19.....

Chairman of the state central com-
mittee of the party.

3. If a chairman of a state central committee fails to file a notice
stating the number of potential delegates, the secretary of state shall
ascertain the approximate number from the call for the national conven-
tion issued by the national committee of the party in the previous presi-
dential primary year.

SEC. 6. 1. On or before December 10 preceding a presidential pri-
mary year, the secretary of state shall transmit to each county clerk a
notice in writing stating the number of potential delegates to be elected by
each political party.

2. The notice of the secretary of state required by subsection 1 to
be transmitted to the county clerks shall be in substantially the following
form:

CERTIFICATE OF SECRETARY OF STATE AS TO
NUMBER OF DELEGATES TO EACH
PARTY NATIONAL CONVENTION

To the county clerk of county:

I hereby certify to you that the political parties qualified to participate
in the presidential primary to be held in this state on the day of
March 19.... and the number of potential delegates to be elected by each
political party to represent the State of Nevada in its next national con-
vention are as follows:

Parties	Number of Delegates
---------	---------------------

Dated at Carson City, Nevada, this day of April, 19....

Secretary of State

SEC. 7. On or before December 20 preceding a presidential primary
year the county clerk shall publish once, in a newspaper published and
having a general circulation in the county, the certificate of the secretary
of state as to the number of potential delegates to each party's national
convention. If a newspaper of general circulation is not published in the
county, the county clerk shall publish such notice in a newspaper of
general circulation published in the nearest Nevada county.

SEC. 8. Candidates for delegate shall be selected by one of the follow-
ing procedures:

1. If the presidential candidate enters his name in the presidential
primary election by declaration under the provisions of subsection 1 of
section 10 of this act, he shall select delegates, equal in number to the
number of potential delegates allotted to his political party, and shall file
a list of their names in the office of the secretary of state when he enters
his name.

2. If a presidential candidate's name is entered in the presidential
primary election by committee action under the provisions of subsection
2 of section 10 of this act, either the presidential candidate or the com-
mittee shall select delegates, equal in number to the number of potential
delegates allotted to the political party, and the committee chairman shall
file a list of their names in the office of the secretary of state when he
enters the presidential candidate's name.

SEC. 9. 1. Immediately upon the receipt of the list of delegates pro-
vided for in section 8 of this act, the secretary of state shall insure that:

(a) All delegates are state-at-large delegates;

(b) Each candidate for delegate is registered as a member of the
political party whose convention he proposes to attend;

(c) The names of delegates from the same county are separated by the
name of at least one other delegate if the total number of names is suffi-
cient so to permit;

(d) Each delegate has consented to submission of his name as a dele-
gate for the particular candidate;

(e) The delegate who is named first on each list is designated as
organizing chairman; and

(f) Each delegate's name appears on only one list of delegates.

2. The secretary of state may prescribe such regulations as are nec-
essary to carry out the provisions of this section.

SEC. 10. 1. A presidential candidate may enter his name in a presi-
dential primary election by filing in the office of the secretary of state,
on or before January 20 in a presidential primary election year, a dec-
laration of candidacy in which he states that he is honestly seeking the
nomination for President and wishes his name to be entered in the
presidential primary election.

2. A committee of 10 or more qualified electors may enter the name
of a presidential candidate in a presidential primary election by filing in
the office of the secretary of state, on or before January 20 in a presi-
dential primary election year, a declaration of candidacy on behalf of
the candidate in which they state that they believe that he is honestly
seeking the nomination for President and that they wish his name to be
entered in the presidential primary election.

3. A declaration of candidacy filed under subsection 1 or subsec-
tion 2 shall be accompanied with a filing fee of \$500 and a list of dele-
gates to the national political party nominating convention.

4. If the candidate is a resident of Nevada, the declaration of candi-
dacy shall also be accompanied with a petition which contains the signa-
tures of qualified electors equal to 5 percent of the entire vote cast at

1 the last preceding general election for Representative in Congress and
2 which declares that such electors favor his nomination.

3 SEC. 11. 1. The filing fee specified in section 10 of this act of any
4 candidate who receives 10 percent or more of the total vote cast by his
5 political party in the presidential primary election shall be promptly
6 refunded to the depositor by the secretary of state.

7 2. The filing fee specified in section 10 of this act of any candidate
8 who receives less than 10 percent of the total vote cast by his political
9 party in the presidential primary election shall be paid into the general
10 fund of the State of Nevada.

11 SEC. 12. A candidate whose name has been entered in the presidential
12 primary election may withdraw from the election if he files with the secre-
13 tary of state a signed statement that he is not a candidate and is not
14 entered in, and will not enter, any presidential primary election in any
15 other state during the current presidential primary year.

16 SEC. 13. A presidential primary election shall not be held to elect
17 delegates to the national convention of any political party which, on Jan-
18 uary 26 of the presidential primary year, has only one presidential candi-
19 date's name entered in the primary under the provisions of this chapter.
20 If only one name has been entered by any party, the delegates whose
21 names have been filed in his support in the office of the secretary of state
22 shall be declared elected.

23 SEC. 14. On or before February 1 of a presidential primary election
24 year, the secretary of state shall transmit to each county clerk a certified
25 list containing the names and addresses of the candidates for President
26 who are entitled to be voted for at the presidential primary election and
27 the names and addresses of the delegates filed in support of such candi-
28 dates.

29 SEC. 15. 1. Immediately upon receipt of the certified list of candi-
30 dates and delegates from the secretary of state, each county clerk shall
31 publish in a newspaper having a general circulation in the county, or, in
32 the absence of such a newspaper, shall post in three public places in each
33 precinct within the county a presidential primary notice.

34 2. The presidential primary notice shall be in substantially the follow-
35 ing form:

36
37 NOTICE BY COUNTY CLERK OF THE TIME AND PLACE OF
38 PRESIDENTIAL PRIMARY ELECTION, POLITICAL PAR-
39 TIES ENTITLED TO PARTICIPATE THEREIN, AND
40 NAMES AND ADDRESSES OF CANDIDATES FOR
41 PRESIDENT AND DELEGATES SUPPORTING
42 SUCH CANDIDATES
43

44 Notice is hereby given that a presidential primary election is to be held
45 in the county of on Tuesday, the day of March,
46 19....., and that the political parties entitled to participate therein, the
47 presidential candidates and the delegates supporting such candidates are
48 as follows:

1		.....Party	
2	Candidate	Candidate	Candidate
3	Name.....	.....	.....
4	Address.....	.....	.....
5	Delegates	Delegates	Delegates
6	1. Name.....	.....	.....
7	Address.....	.....	.....
8	2. Name.....	.....	.....
9	Address.....	.....	.....
10	Etc.	Etc.	Etc.
11		.....Party	
12		Etc.	

13 Notice is also hereby given that on presidential primary election day the
14 polls will be open from the hour of a.m. until the hour of p.m., and
15 that during those hours the election will be held at the legally designated
16 polling places in each precinct in the county, which are as follows:

17 City of.....
18 (Name or number of precinct) (Location of polling place)
19 Precinct.....
20 Precinct.....
21 Town of.....
22 Precinct.....
23township (outside of city)
24 Precinct.....
25 Dated this day of, 19.....
26
27

County Clerk

28 SEC. 16. 1. On or before February 10 in a presidential primary elec-
29 tion year, the secretary of state shall cause to be printed by the superin-
30 tendent of state printing, and shall distribute to each county clerk, sample
31 ballots for the presidential primary election in such number as each
32 county clerk shall certify are necessary.

33 2. The secretary of state shall mail one copy of the sample ballot to
34 each presidential candidate at the best available address of such candidate.

35 SEC. 17. On or before February 15 of a presidential primary year,
36 the secretary of state shall cause to be printed by the superintendent of
37 state printing on official paper, and shall distribute to each county clerk,
38 official ballots in such number as the county clerk shall certify are nec-
39 essary to meet the needs of his county.

40 SEC. 18. The secretary of state shall prescribe the form of all ballots
41 for the presidential primary election and shall insure that:

42 1. The name of the political party appears at the top of the ballot;
43 2. The names of all candidates entered in the election appear on the
44 ballot and that the names of delegates do not appear on the ballot;

45 3. The names of presidential candidates entered in the election appear
46 in chronological order based upon the dates of filing in the office of the
47 secretary of state; and

48 4. In all other respects the ballots conform as closely as possible to
49 the ballots used in other primary elections.

1 SEC. 19. A presidential primary election shall be held in each precinct
2 on the 1st Tuesday in March of the year 1972 and every 4 years there-
3 after.

4 SEC. 20. A vote for a candidate entered in the presidential primary
5 election constitutes a vote for the list of delegates filed with the declaration
6 of candidacy in the office of the secretary of state.

7 SEC. 21. 1. On or before the third day after a presidential primary
8 election, the board of county commissioners of each county shall open
9 the returns of votes cast and make abstracts of votes, in such form as the
10 secretary of state shall prescribe by regulation, and shall submit the
11 abstracts of votes to the secretary of state.

12 2. Immediately upon receiving notice thereof from the appropriate
13 organ of the political party, the chairman of the state central committee
14 of each political party participating in the presidential primary election
15 shall file in the office of the secretary of state a notice in writing stating
16 the actual number of delegates allotted to represent the state at the next
17 national convention of his party. If a chairman of a state central com-
18 mittee fails to file a notice stating the number of delegates, the secretary
19 of state shall ascertain the number from the call for the national conven-
20 tion issued by the national committee of the party.

21 SEC. 22. Immediately upon receipt of the abstracts of votes from the
22 boards of county commissioners and receipt of the notice of the actual
23 number of delegates from the chairmen of the state central committees,
24 the secretary of state shall:

25 1. Compile and file in his office a statement of the canvassed returns,
26 which shall show the names of the presidential candidates of each party
27 and the total of votes received by each candidate;

28 2. Determine, on the basis of the votes cast, and by the method of
29 equal proportions as employed by the United States House of Repre-
30 sentatives as of the effective date of this chapter, the number of delegates
31 elected from each list of potential delegates. In determining the number
32 of delegates the secretary of state shall modify the method of equal
33 proportions to the extent that no candidate shall receive a minimum of
34 one delegate for the sole reason of having a delegate list;

35 3. Determine the names of the elected delegates by designating the
36 first name on each list from which one or more potential delegates were
37 elected and continuing in order until the proper number of names has
38 been designated;

39 4. Issue to each elected delegate a certificate of election, such poten-
40 tial delegate thereby being elected as delegate to his national party con-
41 vention.

42 SEC. 23. A vacancy occurring in a list of delegates shall be filled:

43 1. By appointment by the organizing chairman, if the vacancy occurs
44 before a permanent chairman is chosen.

45 2. By appointment by the permanent chairman if the vacancy occurs
46 after the presidential primary election but before an alternate delegate
47 has been selected.

48 SEC. 24. 1. If a presidential candidate whose name is entered in the
49 presidential primary election dies:

1 (a) Before the ballots have been printed, the secretary of state shall
2 cause his name to be omitted from the ballots.

3 (b) After the ballots have been printed but before the presidential
4 primary election, the secretary of state shall, if time permits, instruct each
5 county clerk that the deceased candidate's name shall be covered wher-
6 ever it appears on the ballot.

7 In either case, the presidential primary election shall proceed as if the
8 name of the deceased candidate had not been entered.

9 2. If a presidential candidate whose name is entered in the presi-
10 dential primary election dies after the polls open on the day of the presi-
11 dential primary election, or if his name was not covered pursuant to
12 subsection 1, all votes cast for him shall be distributed by the secretary of
13 state equally to the remaining presidential candidates for his political
14 party in the presidential primary election.

15 SEC. 25. The delegates to each national party convention elected at
16 the presidential primary election, before leaving the state to attend the
17 convention, shall meet together and select a permanent chairman of the
18 group.

19 SEC. 26. 1. One alternate delegate for each elected delegate shall
20 be selected as follows:

21 (a) An alternate for each delegate representing a presidential candi-
22 date who polled less than a plurality of the total vote of his party shall
23 be selected by the delegate.

24 (b) An alternate for each delegate representing a presidential candi-
25 date who polled a plurality of the total vote of his party shall be selected
26 by the delegates meeting as a body under the provisions of section 24 of
27 this act.

28 2. Except in the event of death or disability of a delegate, an alternate
29 shall not vote in place of a delegate without authorization signed by the
30 regular delegate.

31 SEC. 27. Unless and until released, each delegate at the national party
32 convention shall support the candidate in connection with whom his
33 name was filed in the office of the secretary of state, and shall support
34 also that candidate's platform and the platform or policies adopted at
35 the state party convention, but shall give preference to the candidate's
36 platform in case of conflict.

37 SEC. 28. 1. A delegate is absolutely released from his duty to sup-
38 port the candidate he represents by:

39 (a) Formal release by the candidate; or

40 (b) Nomination of a candidate other than the one supported by the
41 delegate.

42 2. A delegate is conditionally released from his duty to support the
43 candidate he represents by failure of the candidate to receive 10 percent
44 or more of the total vote on the third convention ballot, but each dele-
45 gate shall again support the candidate if he polls 10 percent or more of
46 the total vote on any subsequent ballot, and shall continue to support
47 him until he again fails to receive 10 percent of the total vote.

48 SEC. 29. 1. The presidential primary election fund account is hereby
49 created. Moneys for this fund account shall be provided by direct legis-
50 lative appropriation.

2. Within 30 days after each presidential primary election, the secretary of state shall certify to the state controller the amount of expenses incurred by the secretary of state for the printing of ballots and other expenses for the conduct of the presidential primary election, and the state controller shall draw his warrant to pay the claim.

3. Within 60 days after each presidential primary election, the board of county commissioners of each county shall certify to the state controller the amount of expenses incurred for the conduct of the presidential primary election in their county.

4. If the claims of all the counties when added together do not exceed the balance remaining in the presidential primary election fund account after payment of the claim of the secretary of state, the state controller shall draw his warrant to pay to each board of county commissioners the amount of the certified claims.

5. If the claims of all the counties when added together exceed the balance remaining in the presidential primary election fund account, the state controller shall draw his warrant to pay the several boards of county commissioners ratably in proportion to the certified claims.

6. The state controller shall transfer to the general fund in the state treasury any balance remaining in the presidential primary election fund account after payment of the claims of the secretary of state and of the counties.

SEC. 30. NRS 3.190 is hereby amended to read as follows:

3.190 1. The district courts, severally, have original jurisdiction in:

- (a) All cases in equity.
- (b) All cases at law which involve the title or the right of possession to, or the possession of real property or mining claims, or the legality of any tax, impost, assessment, toll or municipal fine.
- (c) All actions to foreclose mechanics' liens.
- (d) All cases in which the demand, exclusive of interest, or the value of the property in controversy, exceeds \$300.
- (e) All cases relating to the estates of deceased persons, and the persons and estates of minors, idiots and insane persons.
- (f) The action of forcible entry and unlawful detainer.
- (g) All criminal cases not otherwise provided for by law.
- (h) All cases in which election to a public office, including the office of presidential elector **[.]** and the position of delegate to a political party's national convention to nominate a candidate for President of the United States, is contested, except those offices enumerated in NRS 293.407.

2. They shall also have final appellate jurisdiction in cases arising in justices' courts and such other inferior tribunals as may be established by law.

3. The district courts and the judges thereof shall have power to issue writs of mandamus, injunction, quo warranto, certiorari, and all other writs proper and necessary to the complete exercise of their jurisdiction. They also shall have power to issue writs of habeas corpus, on petition by, or on behalf of, any person held in actual custody in their respective districts.

SEC. 31. NRS 244.090 is hereby amended to read as follows:

244.090 1. Except as provided in subsections 4 and 5, special meetings may be called by the chairman whenever there is sufficient business to come before the board, or upon the written request of a majority of the board.

2. The clerk of the board shall give written notice of each special meeting to each member of the board by personal delivery of the notice of the special meeting to each member at least 1 day before the meeting or by mailing the notice to each member's place of residence in the county or by deposit in the United States mails, postage prepaid, at least 4 days before the meeting.

3. The notice shall specify the time, place and purpose of the meeting. If all of the members of the board are present at a special meeting, lack of notice shall not invalidate the proceedings.

4. When there is in any county, township or precinct office no officer duly authorized to execute the duties thereof, and it is necessary that a temporary appointment be made to fill such office, as otherwise provided by law, the board of county commissioners is authorized and empowered to, and the board shall forthwith, hold a special meeting for such purpose. The meeting may be held by unanimous consent of the board, or, if for any cause such consent cannot be obtained, then the chairman or any other member of the board having knowledge of such necessity shall forthwith call such special meeting and notify the other members thereof. The meeting shall be held as soon as practicable, but not less than 3 days, except by unanimous consent, after actual notice to all members of the board, whereupon a majority thereof shall proceed to act upon such appointment as provided by law.

5. The board shall also meet after each **[general]** election to canvass election returns in the manner provided by law.

SEC. 32. NRS 245.040 is hereby amended to read as follows:

245.040 1. Sheriffs, county recorders and county auditors, county clerks, county assessors and county treasurers shall keep an office at the county seat of their county which shall be kept open on all days except Sundays and nonjudicial days from 9 a.m. to 12 m., and on all days except Sundays, nonjudicial days and Saturdays from 1 p.m. to 5 p.m. for the transaction of public business, but nothing contained herein shall be construed so as to interfere with any duty now required of any public official under any of the election laws of this state. County clerks shall keep their offices open on all election days during the hours when the polls are open for voting but may, with the consent of the district judge of the county, close their offices for all purposes except election business and the issuance of marriage licenses on any day on which the *presidential primary*, primary or general election is held.

2. Notwithstanding the provisions of subsection 1, the board of county commissioners of any county may, by an order regularly made and entered in the records of its proceedings, designate the days and hours during which the offices of the sheriff, county recorder and county auditor, county clerk, county assessor and county treasurer shall be kept open for the transaction of public business. Any order so made and entered shall require each office to be kept open for not less than 40 hours during each

1 week, and shall not prevent the county clerk from closing his office for all purposes except election business and the issuance of marriage licenses on primary and general election days as provided in subsection 1.

3. Any officer violating the provisions of this section shall be deemed guilty of a misdemeanor, and if any officer mentioned in subsection 1 shall absent himself from his office except:

(a) When called away from his office by official duties; or

(b) When expressly permitted so to do by the board of county commissioners or a majority of the members thereof in writing; or

(c) When he first makes provision to leave his office open for the transaction of public business on the days and during the hours prescribed by this section and in charge of a deputy duly qualified to act in his absence,

there shall be withheld from his monthly salary that proportion thereof as the number of days of absence bears to the number of days of the month in which such absence occurs. Such sum shall be withheld from payment of salary to the officer for the next succeeding month by order of the board of county commissioners; but no order in the premises shall be made without first giving the officer affected reasonable notice and an opportunity to appear before the board and defend the charge against him.

SEC. 33. NRS 293.073 is hereby amended to read as follows:

293.073 "Political party" means an organization of voters qualified to participate in a primary election in either of the following ways:

1. Any organization of electors which, under a common name or designation at the last preceding general election, polled for any of its candidates a number of votes equal to or more than 5 percent of the total vote cast for Representative in Congress.

2. Any organization which, under a common name or designation files a petition with the secretary of state *on or before December 1 preceding a presidential primary year or not less than 60 days prior to any primary election in a nonpresidential primary year. The petition shall be signed by a number of qualified electors equal to or more than 5 percent of the entire number of votes cast at the last preceding general election for Representative in Congress declaring that they represent a political party or principle, the name of which is stated in the petition, and that they desire to participate and nominate candidates in the primary election. The names of the electors need not all be on one petition, but each petition shall be verified by at least one signer thereof to the effect that the signers are qualified electors of the state according to his best information and belief.*

SEC. 34. NRS 293.163 is hereby amended to read as follows:

293.163 1. In presidential election years, on the call of a national party convention, but one set of [party] county conventions and but one state convention for each party shall be held on such respective dates and at such places as the state central committee of the party shall designate. If no earlier dates are fixed, the state convention shall be held 30 days prior to the date set for the national convention and the county conventions shall be held 60 days prior to the date set for the national convention.

2. Delegates to such conventions shall be selected in the same manner as prescribed in NRS 293.130 to 293.160, inclusive, except as to time, and each convention shall have and exercise all of the power granted it under NRS 293.130 to 293.160, inclusive. In addition to such powers granted it, the state convention shall, [select the necessary delegates and alternates to the national convention of the party, and,] if consistent with the rules and regulations of the party, [shall] select the national committeeman and committeewoman of the party from the State of Nevada.

SEC. 35. NRS 293.165 is hereby amended to read as follows:

293.165 1. A vacancy occurring in a party nomination for office, *except a party nomination for the office of President of the United States or for the position of delegate to the party's national convention for nomination of a candidate for the office of President of the United States,* may be filled by a candidate designated by the appropriate political party central committee of the county or state, as the case may be, where:

(a) The nominee dies after the primary election and before the general election.

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

2. A vacancy occurring in a nonpartisan nomination after a primary election and before a general election shall be filled by the person who received the next highest vote for such nomination in the primary. If there is no such person, the vacancy may be filled by filing a petition with the proper filing officer designating a candidate and signed by a number of registered voters equal to 5 percent or more of the number of voters who voted at the last preceding general election in the township, county, district or state, as the case may be.

3. All designations and petitions provided for in this section shall be filed before 5 p.m. of the 1st Wednesday in October. In each case, the statutory filing fee shall be paid and an acceptance of the nomination or designation shall be filed before 5 p.m. of the 1st Wednesday in October.

SEC. 36. NRS 293.170 is hereby amended to read as follows:

293.170 1. [Not] *On or before December 1 before a presidential primary election, or not less than 60 days before a primary or a general election, the county central committee of each political party for each county may recommend to the county clerk of such county three registered voters for each precinct in the county to act as election board officers of the [primary or general] election in such precinct or district.*

2. Subsequent to such [date] *dates* the county clerk may accept recommendations for reserve election board officers for such election.

SEC. 37. NRS 293.175 is hereby amended to read as follows:

293.175 1. Candidates of a political party, *except candidates for the office of President of the United States and the office of delegate to a party's national convention to nominate a candidate for the office of President of the United States,* and candidates for nonpartisan offices shall be nominated at the primary election held in accordance with the provisions of this chapter.

1 2. Independent candidates for partisan office shall be nominated in
2 the manner provided in NRS 293.200.

3 3. This chapter shall not apply to:

- 4 (a) Special elections to fill vacancies;
5 (b) The nomination of the officers of incorporated cities; or
6 (c) The nomination of district officers whose nomination is otherwise
7 provided for by statute.

8 SEC. 38. NRS 293.176 is hereby amended to read as follows:

9 293.176 No person may be a candidate for a party nomination in any
10 *presidential primary* or primary election if he has changed the designation
11 of his political party affiliation on an official affidavit of registration in the
12 State of Nevada or in any other state since the date of the last primary
13 election in the State of Nevada.

14 SEC. 39. NRS 293.180 is hereby amended to read as follows:

15 293.180 1. Ten or more registered voters may, not earlier than the
16 2nd Monday in June nor later than 5 p.m. on the 2nd Friday in July, file
17 a certificate of candidacy designating any elector as a candidate of any
18 political party for nomination for any partisan elective office, *except the*
19 *office of President of the United States and the office of delegate to a*
20 *party's national convention to nominate a candidate for the office of Pres-*
21 *ident of the United States*, or as a candidate for nomination for any non-
22 partisan office. When such certificate has been filed, the officer in whose
23 office it is filed shall notify the elector named in such certificate. If the
24 elector named in the certificate files an acceptance of such candidacy and
25 pays the required fee, as provided by law, he shall be a candidate in the
26 primary election in like manner as if he had filed a declaration of candi-
27 dacy.

28 2. If any such certificate of candidacy relates to a partisan office, all
29 of the signers shall be of the same political party as the candidate desig-
30 nated.

31 SEC. 40. NRS 293.185 is hereby amended to read as follows:

32 293.185 The declaration of candidacy, the certificate of candidacy
33 and the acceptance of candidacy *in a primary or general election* shall be
34 filed during regular office hours, as follows:

35 1. For United States Senator, Representative in Congress, state
36 offices, state senators and assemblymen to be elected from districts com-
37 prising more than one county, and all other offices whose districts com-
38 prise more than one county, with the secretary of state.

39 2. For district offices voted for wholly within one county, state sen-
40 ators and assemblymen to be elected from districts comprising but one
41 or part of one county, county and township officers, with the county
42 clerk.

43 SEC. 41. NRS 293.193 is hereby amended to read as follows:

44 293.193 1. Fees as listed in this section for filing declarations of
45 candidacy or acceptances of candidacy *in a primary or general election*
46 shall be paid to the filing officer by cash, cashier's check or certified check.

1	United States Senator.....	\$250
2	Representative in Congress.....	150
3	Governor.....	150
4	Justice of the supreme court.....	150
5	Any state office, other than governor or justice of the	
6	supreme court.....	100
7	Any district office.....	75
8	Any county office.....	40
9	State senator.....	30
10	Assemblyman.....	15
11	Justice of the peace, constable or other town or township	
12	office.....	10

13 2. No filing fee shall be required from a candidate for an office the
14 holder of which receives no compensation.

15 SEC. 42. NRS 293.205 is hereby amended to read as follows:

16 293.205 On or before the 1st Wednesday in **[July,]** *January*, the
17 county clerk shall establish election precincts, define the boundaries
18 thereof, abolish, alter, consolidate and designate precincts as public con-
19 venience, necessity and economy may require in accordance with NRS
20 293.207 to 293.215, inclusive.

21 SEC. 43. NRS 293.247 is hereby amended to read as follows:

22 293.247 1. The secretary of state shall promulgate rules and regu-
23 lations, not inconsistent with the election laws of this state, for the con-
24 duct of **[primary and general]** elections in all counties.

25 2. Such regulations shall prescribe:

- 26 (a) The duties of election boards;
27 (b) The type and amount of election supplies;
28 (c) The manner of printing ballots and the number of such ballots to
29 be distributed to precincts and districts;
30 (d) Standards for voting machines;
31 (e) The manner of preparing, inspecting and placing voting machines;
32 (f) The disposition and custody of voting machines, voting machine
33 keys, and voting booths;
34 (g) The method to be used in distributing ballots to precincts and
35 districts;
36 (h) The method of inspection and the disposition of ballot boxes;
37 (i) The form and placement of instructions to voters;
38 (j) The recess periods for election boards;
39 (k) The size, lighting and placement of voting booths;
40 (l) The amount and placement of guardrails and other furniture and
41 equipment at voting places;
42 (m) The disposition of election returns; and
43 (n) Such other matters as determined necessary by the secretary of
44 state.

45 3. The secretary of state shall prepare and distribute to county clerks
46 the election officer's digest and instructions for election boards.

47 SEC. 44. NRS 293.257 is hereby amended to read as follows:

48 293.257 1. There shall be a separate **[primary]** ballot for each
49 political party *participating in a primary or presidential primary election*

1 and there shall be a separate nonpartisan [primary] ballot [.] in pri-
2 mary elections.

3 2. The names of candidates for partisan offices who have designated
4 a political party in [the] a declaration of candidacy or acceptance of
5 candidacy shall appear in a primary or presidential primary election on
6 the [primary] ballot of the political party designated.

7 3. The names of candidates for nonpartisan offices shall appear on
8 all political party [primary] ballots and ballot labels in a primary elec-
9 tion and on nonpartisan ballots and ballot labels.

10 SEC. 45. NRS 293.260 is hereby amended to read as follows:

11 293.260 1. Where there is no contest for nomination to a particular
12 office, neither the title of the office nor the name or names of the candi-
13 dates, shall appear on the ballot.

14 2. If only one political party has candidates for an office or offices,
15 the candidates of such party who receive the highest number of votes at
16 such primary [.] election, not to exceed twice the number to be elected
17 to such office or offices at the general election, shall be declared the
18 nominees for the office or offices.

19 3. Where no more than the number of candidates to be elected have
20 filed for nomination for any office, the names of such candidates shall be
21 omitted from all primary election ballots and placed on all general elec-
22 tion ballots.

23 SEC. 46. NRS 293.263 is hereby amended to read as follows:

24 293.263 On political party [primary] ballots for primary elections
25 the name of the particular political party shall appear at the top of the
26 ballot. Following this designation shall appear the names of candidates
27 grouped alphabetically under the title of the partisan office for which
28 such candidates filed. Following the names of candidates for partisan
29 offices shall appear the designation "Candidates for nonpartisan offices"
30 and the names of candidates grouped alphabetically under the title of the
31 nonpartisan office for which such candidate filed.

32 SEC. 47. NRS 293.270 is hereby amended to read as follows:

33 293.270 Voting at [any primary or general] an election shall be on
34 printed ballots or voting machine ballot labels.

35 SEC. 48. NRS 293.287 is hereby amended to read as follows:

36 293.287 1. A registered voter applying to vote at any presidential
37 primary or primary election shall give his political affiliation, if any, to
38 the election board officer in charge of the election board register, and
39 such officer shall immediately announce the name and political affiliation.

40 2. Any person's right to vote may be challenged by any registered
41 voter upon any of the grounds allowed for a challenge in NRS 293.303
42 or on the ground that the person applying does not belong to the political
43 party designated upon the register, or that the register does not show
44 that he designated the political party to which he claims to belong.

45 3. Any such challenge shall be disposed of in the manner provided
46 by NRS 293.303.

47 4. When the election board is satisfied as to the name, political
48 affiliation and identity of the registered voter, the board shall issue the
49 proper party or nonpartisan ballot or admission authority.

1 SEC. 49. NRS 293.313 is hereby amended to read as follows:

2 293.313 1. Any registered voter may vote an absent ballot as pro-
3 vided in this chapter if, on the day of voting at any [general or primary]
4 election, he is or expects to be:

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

8 (b) Unable, because of illness or physical disability, to go to the poll-
9 ing place; or

10 (c) In the service of the United States.

11 2. The spouses and dependents of any voter referred to in subsection
12 1 may vote in the same manner as such voter if, by reason of the services
13 of such voter, they are required to reside beyond the boundaries of the
14 state.

15 SEC. 50. NRS 293.343 is hereby amended to read as follows:

16 293.343 1. A registered voter who resides in an election precinct in
17 which there were not more than 200 voters registered for the last preced-
18 ing general election, or in a precinct in which it appears to the satisfaction
19 of the county clerk that there are not more than 200 registered voters,
20 may vote at [primary and general] elections in the manner provided in
21 NRS 293.345 to 293.355, inclusive.

22 2. Whenever the county clerk has designated a precinct as a mailing
23 precinct, registered voters residing in such precinct may vote at [primary
24 and general] elections in the manner provided in NRS 293.345 to
25 293.355, inclusive.

26 SEC. 51. NRS 293.345 is hereby amended to read as follows:

27 293.345 The county clerk shall mail to each registered voter in each
28 mailing precinct and in each absent ballot mailing precinct, before 5 p.m.
29 on the 4th Thursday in August and before 5 p.m. on the 4th Tuesday in
30 October of any year in which a general election is to be held, and before
31 5 p.m. on the 4th Thursday in February of any year in which a presiden-
32 tial primary election is to be held, an official mailing ballot to be voted
33 by him at such election.

34 SEC. 52. NRS 293.387 is hereby amended to read as follows:

35 293.387 1. As soon as the returns from all the precincts and dis-
36 tricts in any county have been received by the board of county commis-
37 sioners such board shall meet and proceed to canvass the returns. The
38 canvass shall be completed on or before the 10th day following the elec-
39 tion.

40 2. In making its canvass, the board of county commissioners shall
41 note separately any clerical errors discovered, and shall take account of
42 the changes resulting from such discovery, so that the result declared will
43 represent the true vote cast.

44 3. The county clerk shall, as soon as the result is declared, enter upon
45 the records of such board an abstract of the result, which shall contain the
46 number of votes cast for each candidate. The board of county commis-
47 sioners, after making such abstract of votes, shall cause the county clerk,
48 by an order made and entered in the minutes of its proceedings, to make
49 a copy of such abstract and transmit the same to the secretary of state
50 within 10 days after the day of election.

1 4. The secretary of state shall, immediately after any primary [.]
2 election, compile the returns for all candidates voted for in more than one
3 county. He shall make out and file in his office an abstract thereof, and
4 shall certify to the county clerk of each county the name of each person
5 nominated, and the name of the office for which he is nominated.

6 SEC. 53. NRS 293.400 is hereby amended to read as follows:

7 293.400 1. If, after the completion of the canvass of the returns of
8 any election, *except a presidential primary election*, two or more persons
9 receive an equal and the highest number of votes, the winner shall be
10 determined as follows:

11 (a) For United States Senator, member of Congress, district or state
12 office, the legislature shall, by joint vote of both houses, elect one of
13 such persons to fill the office.

14 (b) For any office of a county, township, incorporated city, city
15 organized under a special charter where such charter is silent as to
16 determination of a tie vote, or district which is wholly located within one
17 county, the county clerk shall summon the candidates who have received
18 the tie votes to appear before him at a time and place designated by him
19 and determine the tie by lot. If the tie vote is for the office of county
20 clerk, the board of county commissioners shall perform the above duties.

21 2. The summons mentioned in this section shall in every case be
22 mailed to the address of the candidate as it appears upon his affidavit
23 of registration at least 5 days before the day fixed for the determination
24 of the tie vote and shall contain the time and place where such determina-
25 tion will take place.

26 3. The right to a recount provided in NRS 293.403 shall extend to
27 both candidates in case of a tie.

28 SEC. 54. NRS 293.413 is hereby amended to read as follows:

29 293.413 1. The statement of contest provided for in NRS 293.407
30 shall be filed with the clerk of the district court no later than 5 days
31 after a recount is completed, and no later than 14 days after the election
32 if no recount is demanded. The parties to a contest shall be denominated
33 contestant and defendant.

34 2. The court shall set the matter for hearing not less than 5 days nor
35 more than 10 days after the filing of the statement of contest [.] *except*
36 *that for contests concerning presidential primary elections, the court shall*
37 *set the matter for hearing not more than 3 days after the filing of the*
38 *statement of contest.* Election contests shall take precedence over all
39 regular business of the court in order that results of elections shall be
40 determined as soon as practicable.

41 3. The court may refer the contest to a special master in the manner
42 provided by the Nevada Rules of Civil Procedure, and such special
43 master shall have all powers necessary for a proper determination of the
44 contest.

45 SEC. 55. NRS 293.443 is hereby amended to read as follows:

46 293.443 1. The expense of providing all ballots, forms and other
47 supplies to be used at any [primary or general] election and all expenses
48 necessarily incurred in the preparation for, or the conduct of, any such
49 election shall be a charge upon the municipality, county, district or state,
50 as the case may be.

1 2. The cost of printing ballots shall not exceed the sum of \$80 per
2 thousand or fraction thereof for the first two thousand ballots printed and
3 \$40 for each additional thousand printed.

4 3. The county clerk may submit such printing for competitive
5 bidding.

6 SEC. 56. NRS 293.470 is hereby amended to read as follows:

7 293.470 Only voting machines or devices approved by the secretary
8 of state may be used in any [general or primary] election.

9 SEC. 57. NRS 293.473 is hereby amended to read as follows:

10 293.473 Each voting machine shall:

11 1. Secure to the voter secrecy in the act of voting.

12 2. Provide facilities for voting for the candidates of as many political
13 parties or organizations as may make nominations and for or against
14 measures.

15 3. Permit the voter to vote for any person for any office that he has
16 the right to vote for, but no other.

17 4. Except at *presidential primary elections or primary elections*, per-
18 mit the voter to vote for all the candidates of one party or in part for
19 the candidates of one party and in part for the candidates of one or
20 more other parties.

21 5. Permit the voter to vote for as many persons for an office as he
22 is lawfully entitled to vote for, but no more.

23 6. Prevent the voter from voting for the same person more than
24 once for the same office.

25 7. Permit the voter to vote for or against any measure he may have
26 the right to vote on, but no other.

27 8. Correctly record all votes cast for any and all candidates and
28 for or against any and all questions.

29 9. Be so equipped that the election officials can lock out all rows
30 except those of the voter's party by a single adjustment on the outside
31 of the machine.

32 10. Be provided with a lock or locks by which all operation of the
33 recording mechanism can be prevented as soon as the polls are closed.

34 11. Be provided with a protective counter, whereby any operation
35 or tampering with the machine before or after the election will be
36 detected. The protective counter shall be so constructed and so con-
37 nected that it cannot be reset, altered or operated, except by operating
38 the machine.

39 12. Be provided with a public counter which shall show at all times
40 during an election how many persons have voted.

41 13. Be provided with a mechanical model, suitable for the instruction
42 of voters, illustrating the manner of voting on the machine.

43 14. Provide in the general election for grouping, under the name
44 of the office to be voted on, all the candidates for the office with the
45 designation of the parties, if any, by which they were nominated. The
46 party designation may be by usual or reasonable abbreviation.

47 SEC. 58. NRS 293.475 is hereby amended to read as follows:

48 293.475 The voting devices for candidates at *presidential primary*
49 *and primary elections* shall be arranged in separate parallel lines, one
50 or more lines for each party, and in parallel office rows transverse thereto.

1 SEC. 59. NRS 293.540 is hereby amended to read as follows:
2 293.540 The county clerk shall cancel an affidavit of registration:
3 1. If he has personal knowledge of the death of the person registered,
4 or if an authenticated certificate of the death of any elector is filed in his
5 office.
6 2. If the insanity of the person registered is legally established.
7 3. Upon the production of a certified copy of the judgment of con-
8 viction of the person registered of a felony.
9 4. Upon the production of a certified copy of the judgment of any
10 court directing the cancellation to be made.
11 5. Upon the request of any registered voter to affiliate with any
12 political party, or to change his affiliation, if such change is made before
13 the end of the last day for filing declarations of candidacy for a *presi-*
14 *dential primary election* or primary election.
15 6. Upon the request of any registered voter who has changed his
16 name, if such voter satisfies the registrar that such change has been
17 legally effected.
18 7. At the request of the person registered.
19 8. When any registered voter fails to vote in any general election.
20 9. When he has discovered an incorrect registration pursuant to NRS
21 293.530.
22 SEC. 60. NRS 293.557 is hereby amended to read as follows:
23 293.557 1. At least 90 days prior to the closing of registration for
24 any election, the county clerk shall prepare and date an alphabetical list
25 of the persons whose names remain on the county clerk's register of
26 each precinct and district. He shall cause to be published once in each
27 of the newspapers circulated in different parts of the county a list of all
28 registered voters, segregated by precincts or districts, within the circula-
29 tion area of each newspaper, or cause to be published once in a news-
30 paper circulated in the county a segregated listing for the entire county:
31 (a) At least 75 days before any *presidential primary election* or pri-
32 mary election.
33 (b) After each *presidential primary election* and primary election and
34 not less than 2 weeks before the close of registration for the ensuing
35 general election.
36 2. The county may not pay more than 10 cents per name to each
37 newspaper publishing the list.
38 SEC. 61. NRS 293.560 is hereby amended to read as follows:
39 293.560 1. Registration shall close at 9 p.m. of the seventh Saturday
40 preceding any *presidential primary election* or primary election and at
41 9 p.m. on the sixth Saturday preceding any general election.
42 2. During the last 5 days before registration closes, registration
43 offices shall be open from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m.,
44 including Saturdays.
45 3. The county clerk of each county shall publish in a newspaper
46 having a general circulation in the county a notice signed by him indi-
47 cating the day that registration will be closed. If no such newspaper is
48 published in the county, then such publication may be made in a news-
49 paper of general circulation published in the nearest Nevada county.

1 4. Such notice shall be published once each week for 4 consecutive
2 weeks next preceding the close of registration for any election.
3 5. At least 15 days before the time when the county clerk's register is
4 closed for any election, the county clerk shall mail a copy of such notice
5 to deputy registrars, to be posted in a conspicuous place in each voting
6 precinct outside incorporated cities and in which there is no newspaper of
7 general circulation.
8 SEC. 62. NRS 293.565 is hereby amended to read as follows:
9 293.565 On or before *February 15 in a presidential primary election*
10 year and on or before the 4th Monday in August preceding a primary
11 election and on or before the 4th Monday in October preceding a general
12 election, the county clerk shall cause to be mailed to each registered voter
13 in the county a sample ballot for his precinct with a notice informing such
14 voter of the location of his polling place.
15 SEC. 63. NRS 293.567 is hereby amended to read as follows:
16 293.567 Not later than the second Friday next preceding the *presi-*
17 *dential primary*, primary or general election, the county clerk shall ascer-
18 tain by precinct and district the number of registered voters in the county
19 and their political affiliation, if any, and transmit such information to the
20 secretary of state.
21 SEC. 64. Chapter 293 of NRS is hereby amended by adding thereto
22 the provisions set forth as sections 65 and 66 of this act.
23 SEC. 65. "*Presidential primary election*" means the election on the
24 1st Tuesday in March at which delegates to the national political party
25 nominating conventions which nominate candidates for President of the
26 United States are elected.
27 SEC. 66. "*Presidential primary year*" means any year in which a *Presi-*
28 *dent of the United States* is to be elected.
29 SEC. 67. NRS 11.240 is hereby repealed.
30 SEC. 68. There is hereby appropriated from the general fund in the
31 state treasury to the presidential primary election fund account the sum
32 of \$140,000 for the biennium beginning July 1, 1971, and ending June
33 30, 1973.

MINUTES OF MEETING--COMMITTEE ON ELECTIONS--55th NEVADA ASSEMBLY
FEBRUARY 11, 1969

10

Present: Swallow, Frazzini, Homer, Reid, Foote, Hilbrecht and Schouweiler

Absent: None

Chairman Swallow convened the meeting and recognized Assemblyman Young who attended the meeting for the purpose of explaining some items on the agenda. These being A.J.R. 7, A.J.R. 13, and A.B. 159.

A.J. R. 7--Proposes amendment to Nevada constitution reducing minimum voting age. There was some discussion of the problems which came up in the 54th session. Harry Reid was assigned to contact Russell McDonald and to look into the problems of the 54th session. If possible, and if need be, Mr. McDonald would attend the meeting on Thursday.

A.J. R. 13--Memorializes Congress to initiate constitutional amendment to increase terms of Congressmen. It was pointed out that this resolution would be referred to the U. S. Congress. Chairman Swallow had asked that a bill for a four-year term be drafted.

Reid moved "Do Pass A.J.R. 13."

Homer seconded.

Motion unanimously carried.

A.B. 159.--Prohibits anonymous political literature. Mr. Young pointed out that radio and television are adequately regulated and that newspapers are not. This bill would provide that all circulars, pamphlets and literature be signed. There was some question as to the reason for the bill.

Reid moved that Hilbrecht and Reid study the bill further to see whether they could come up with something better.

Frazzini seconded.

Motion unanimously carried.

A.B. 165--Changes membership requirements for boards of hospital trustees for public hospitals. Mr. Reid stated that Commissioners of larger counties do not have the time and therefore do not want to be on the Board of Trustees. This bill doesn't apply to Washoe County. It was decided that Reid would meet with Russell McDonald to discuss and see that reapportionment be written into A.B. 165. He will have report on Thursday so the committee may then continue the discussion.

A.B. 197--Changes composition of certain boards of trustees of school districts. Mr. Jacobson was called in to explain the bill to committee members. He explained this bill would provide that three members would not have to be from the county seat. Committee decided to hold up further action until Mr. Jacobson could talk with Mr. Emerson.

S.J.R. 1--Limits terms in office of Governor. It was stated that this bill is similar to the federal law for presidents. Hilbrecht pointed out that this was the second year out for A.J.R. 1 and that they should take some action on it.

Homer moved recommendation for adoption of S.J.R. 1.
Hilbrecht seconded.

* AB 200--Creates a presidential primary election, making an appropriation therefor.

Chairman Swallow read two letters, one from Janet Ulrich and one from John Smith of the Central Committee of White Pine County, both asking for a "Do not pass."

Recommendations in the letter from Janet Ulrich, Vice Chairman of the Republican party of White Pine County, were considered as follows:

(1) AB-4 complicates rather than simplifies our election system. The expense to the State exceeds the good; the monies donated to each party, which usually would be available to our national, state and local candidates, would be poured out in the June popularity contest. A three-ballot, committed delegation to a national convention is not worth the expense to the State and to individual party members.

In discussion the committee brought out that they may come up with the concept that the excessive expenses could be cut down in the local primaries.

(2) Section 8, subsection 1 and 2 will necessitate as many delegate slates as there are presidential candidates. It is difficult now to get that many interested and dedicated members of the party who will go to the convention. Subsection 3 rules that the Central Committee will decide who goes to the national convention as opposed to the present system of a whole state convention decision.

Chairman Swallow designated that this would be involuntary draft, only.

(3) Error in Section 9, asking if the word "party" had been erroneously substituted for the word "county."

The Committee stated that this was an error and had been changed in AB 200.

(4) Section 12 refunds the \$500 filing fee to the candidate receiving less than 10% of the vote.

The Committee decided to amend Section 12 to the effect that in no event will the filing fee be refunded.

(5) Section 29, subsection 5, implies an unspecified expense to the counties.

The Committee was of the opinion that this is a state problem rather than a county problem.

Chairman Swallow also presented a letter from Mr. John Smith of the Central Committee of White Pine County asking for a "do not pass" on AB 200. He listed his points of disagreement and these too, were discussed by the committee.

(1) Mr. Smith felt this an attempt on the part of the Clark County delegation to solve their internal problems.

(2) States which have had three elections in a presidential year have found that the public becomes saturated and indifferent.

(3) He ask if conventions would be abolished if delegates are selected as proposed.

The committee says "No" the primary purpose is to elect those officials who will represent the party.

(4) Mr. Smith felt that the financial burden on the state and counties outweighed the benefit to be gained.

Mr. Reid pointed out that they could report the bill out of committee and let Ways and Means resolve the cost.

(5) Section eight gives three methods by which delegates are to be selected.

AB 200 changes this.

(6) Section eight states that delegates are to be selected after the election but Section 16 requires that their names be made public before.

Only in a draft situation are delegates to be selected after the election

(7) Section nine states that no more than three delegates are to be from the same party.

Again the word "party" had been erroneously substituted for "county".

*

Reid moved Do Pass AB200 with the amendments, Line 7 Page 4, the \$500 filing fee in no event be refunded. Line 49 Page 3, be changed to total number of voters who voted in last election. Hilbrecht seconded.
Motion carried with one voting "no".

*

AB 200 was also to be amended to restore the draft provision contained in Section 11 of AB 4.

ACR 9--Directs legislative commission to participate in studies on uniform date for presidential primaries.
Schouweiler moved to indefinitely set aside ACR 9.
Reid seconded.
Motion carried with one voting "no."

Meeting adjourned.

Minutes of Meeting--Committee on Elections -- 55th Nevada Assembly
February 18, 1969

Present: Swallow, Frazzini, Homer, Reid, Hilbrecht and Schouweiler.
Foote arrived later.

Absent: None

* Chairman Swallow convened the meeting at 10:00 a.m. The committee briefly discussed AB 200. Hilbrecht pointed out that the corrections had been made and it was ready. Reid had moved for a "DO PASS" at the previous meeting.

SB-121--Frazzini moved "DO PASS."

Reid seconded

Motion unanimously carried

AB-197--Committee still waiting for a report from Mr. Jacobsen.

SB-69--John Koontz suggested changing to the third week of August and by doing this Labor Day would not interfere with the election. He also stated this would be a good date because of getting the ballots printed for the General Election. There are quite a number of printers to deal with and the ballots are not completely ready until 2 or 3 weeks before the elections, giving them only a couple of weeks to get them in to be printed and get them back. Reid asked if this wouldn't mean a tremendous cut in votes. Koontz replied that the voters would not be thinking of the holiday and would be more apt to be at the polls than if it were a day they had to get children off to school. The Committee after much discussion felt that it would be best to set a date after people had returned from their summer vacations and were back to their normal routine.

Reid moved "DO PASS" SB-69 with amendments to lines two and three-- "to the third Tuesday in September." Line 10 to be amended appropriately for a closing date. The Bill Drafters were to make necessary changes to coincide with lines two and three.

Frazzini seconded.

Reid was assigned to take care of having the bill amended.

AJR-23 Reid moved "DO PASS" with the amendment of line 14, inserting the words "popular vote or other means."

Hilbrecht seconded.

Motion unanimously carried.

It was to be noted that Swallow, Frazzini, Schouweiler and Homer asked for the amendment.

Mary Frazzini was appointed to take care of the amendment.

SB-67 - There was a question raised as to the language of "non-partisan" or "independent" and whether these were interchangeable. John Koontz was called in to discuss the bill. He said the bill was proposed by Mr. Mulroy in Las Vegas. Sometimes there is not enough room on the voting machines. The bill gives flexibility for moving names back and forth. He gave an example--when the legislators reapportioned in 1966 and there were 54 candidates in one race in Las Vegas, there were only 50 lines on the machine.

Mr. Frank Young moved that the bill be referred to the Committee on Education.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Hilbrecht moved that Assembly Bill No. 200 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Mr. Hilbrecht.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 200.

Bill read second time.

The following amendment was proposed by Mr. Hilbrecht:

Amendment No. 1420.

Amend sec. 5, page 1, line 19, by inserting "potential" after "number of".

Amend sec. 5, page 2, by deleting line 1 and inserting: "STATEMENT OF NUMBER OF POTENTIAL DELEGATES TO".

Amend sec. 6, page 2, by deleting line 27 and inserting: "NUMBER OF POTENTIAL DELEGATES TO EACH".

Amend sec. 8, page 3, by inserting between lines 15 and 16:

"3. If a presidential candidate's name is entered in the presidential primary election under the draft provisions of section 11 of this act, the state central committee of the presidential candidate's party, after the results of the presidential primary election are complete, shall select delegates, equal in number to the number secured by the candidate in the presidential primary election, and the chairman shall immediately file a list of their names in the office of the secretary of state."

Amend sec. 10, page 3, line 46, by inserting after the period: "The filing fee shall be paid into the general fund of the State of Nevada."

Amend sec. 10, page 3, by deleting line 49 and inserting: "tures of qualified electors equal to 5 percent of the number of voters who voted at the last preceding general election."

Amend sec. 10, page 4, by deleting lines 1 and 2.

Amend sec. 11, page 4, by deleting lines 3 through 10 and inserting:

"Sec. 11. Thirty days before the presidential primary election, the secretary of state shall enter in the presidential primary election the name of any presidential candidate which has been entered in one or more presidential primary elections in other states of the United States, if the political party of such candidate is qualified to participate in the presidential primary election under NRS 293.073, and if such candidate's name has not been entered in the presidential primary election in the State of Nevada. The secretary of state shall not enter a name under the provisions of this section if that name would be the only name on the party ballot."

Amend sec. 14, page 4, by deleting lines 23 and 24 and inserting:

"Sec. 14. Not less than 25 days before the presidential primary election, the secretary of state shall transmit to each county clerk a certified".

Amend sec. 16, page 5, line 28, by deleting "10" and inserting "11".

Amend sec. 18, page 5, by deleting lines 43 through 48 and inserting:

"2. The names of all candidates entered in the election under sections 10 and 11 appear on the ballot and that the names of delegates do not appear on the ballot;

3. The names of presidential candidates entered in the election by declaration under section 10 of this act appear in chronological order based upon the dates of filing in the office of the secretary of state and precede the names of presidential candidates entered under the provisions of section 11 of this act;

4. The names of presidential candidates entered in the presidential primary election by the secretary of state under the provisions of section 11 of this act appear in chronological order; and

5. In all other respects the ballots conform as closely as possible to". Amend sec. 20, page 6, by deleting lines 4 and 5 and inserting:

"Sec. 20. 1. A vote for a candidate entered in the presidential primary election under section 10 of this act constitutes a vote for the list of delegates filed with the declaration".

Amend sec. 20, page 6, by inserting between lines 6 and 7:

"2. A vote for a candidate entered in the presidential primary election under section 11 of this act constitutes a vote for the delegates selected after the presidential primary election under subsection 3 of section 8 of this act."

Amend sec. 22, page 6, by inserting between lines 41 and 42:

"5. Notify the state central committee of the appropriate party of the number of delegates, if any, to be selected under subsection 3 of section 8 of this act."

Amend sec. 26, page 7, by deleting lines 20 through 27 and inserting: "be selected by the elected delegate."

Amend sec. 26, page 7, by inserting between lines 30 and 31:

"3. An alternate who votes is subject to the duties imposed by sections 27 and 28 of this act upon the delegate whom he replaces."

Amend sec. 28, page 7, line 37, by inserting after "delegate": "or alternate".

Amend sec. 28, page 7, line 42, by inserting after "delegate": "or alternate".

Amend sec. 33, page 10, by deleting lines 34 and 35 and inserting: "of the [entire number of votes cast at] *number of voters who voted at* the last preceding general election [for Representative in Congress] declaring that they represent a political".

Mr. Hilbrecht moved the adoption of the amendment.

Remarks by Mr. Hilbrecht.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker announced that there would be a Joint Meeting of the Senate and Assembly Monday, February 24, 1969, at 11:30 a.m. for the purpose of hearing The Honorable Howard W. Cannon, United States Senator from Nevada.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 200

ASSEMBLY BILL NO. 200—MR. HILBRECHT

FEBRUARY 7, 1969

Referred to Committee on Elections

SUMMARY—Creates presidential primary election. (BDR 24-1330)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to elections; creating a presidential primary election; making an appropriation therefor; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 SECTION 1. Title 24 of NRS is hereby amended by adding thereto a
2 new chapter to consist of the provisions set forth in sections 2 to 29, inclu-
3 sive, of this act.

4 SEC. 2. This chapter may be cited as the Presidential Primary Law.

5 SEC. 3. The provisions of chapter 293 of NRS apply to presidential
6 primary elections except where specifically provided otherwise.

7 SEC. 4. 1. All political parties qualified pursuant to subsection 1 of
8 NRS 293.073 shall participate in the presidential primary election under
9 the provisions of this chapter.

10 2. Any political party qualified pursuant to subsection 2 of NRS
11 293.073 may participate in the presidential primary election under the
12 provisions of this chapter.

13 SEC. 5. 1. On or before December 1 preceding a presidential pri-
14 mary year, the chairman of the state central committee of each political
15 party participating in the presidential primary election shall file in the
16 office of the secretary of state a notice in writing stating the number of
17 persons to be selected as potential delegates to represent the state at the
18 next national convention of his party.

19 2. The statement of the number of potential delegates shall be in sub-
20 stantially the following form:

21
22 STATEMENT OF NUMBER OF POTENTIAL DELEGATES
23 TO PARTY NATIONAL CONVENTION
24

25 To the Secretary of State
26 Carson City, Nevada

27 You are hereby notified that the number of persons to be selected as¹⁸

1 potential delegates to represent the State of Nevada in the next national
2 convention of the party is.....

3 Dated this day of, 19.....

4
5 Chairman of the state central com-
6 mittee of the party.

7 3. If a chairman of a state central committee fails to file a notice
8 stating the number of potential delegates, the secretary of state shall
9 ascertain the approximate number from the call for the national conven-
10 tion issued by the national committee of the party in the previous presi-
11 dential primary year.

12 SEC. 6. 1. On or before December 10 preceding a presidential pri-
13 mary year, the secretary of state shall transmit to each county clerk a
14 notice in writing stating the number of potential delegates to be elected
15 by each political party.

16 2. The notice of the secretary of state required by subsection 1 to
17 be transmitted to the county clerks shall be in substantially the following
18 form:

19
20 CERTIFICATE OF SECRETARY OF STATE AS TO NUMBER
21 OF POTENTIAL DELEGATES TO EACH PARTY
22 NATIONAL CONVENTION
23

24 To the county clerk of county:

25 I hereby certify to you that the political parties qualified to participate
26 in the presidential primary to be held in this state on the day of
27 March 19.... and the number of potential delegates to be elected by each
28 political party to represent the State of Nevada in its next national con-
29 vention are as follows:

30 Parties	30 Number of Delegates
31	31
32	32
33	33

34 Dated at Carson City, Nevada, this day of April, 19....

35
36 Secretary of State

37 SEC. 7. On or before December 20 preceding a presidential primary
38 year the county clerk shall publish once, in a newspaper published and
39 having a general circulation in the county, the certificate of the secretary
40 of state as to the number of potential delegates to each party's national
41 convention. If a newspaper of general circulation is not published in the
42 county, the county clerk shall publish such notice in a newspaper of
43 general circulation published in the nearest Nevada county.

44 SEC. 8. Candidates for delegate shall be selected by one of the follow-
45 ing procedures:

46 1. If the presidential candidate enters his name in the presidential
47 primary election by declaration under the provisions of subsection 1 of
48 section 10 of this act, he shall select delegates, equal in number to the
49 number of potential delegates allotted to his political party, and shall file

1 a list of their names in the office of the secretary of state when he enters
2 his name.

3 2. If a presidential candidate's name is entered in the presidential
4 primary election by committee action under the provisions of subsection
5 2 of section 10 of this act, either the presidential candidate or the com-
6 mittee shall select delegates, equal in number to the number of potential
7 delegates allotted to the political party, and the committee chairman shall
8 file a list of their names in the office of the secretary of state when he
9 enters the presidential candidate's name.

10 3. If a presidential candidate's name is entered in the presidential
11 primary election under the draft provisions of section 11 of this act, the
12 state central committee of the presidential candidate's party, after the
13 results of the presidential primary election are complete, shall select dele-
14 gates, equal in number to the number secured by the candidate in the
15 presidential primary election, and the chairman shall immediately file a
16 list of their names in the office of the secretary of state.

17 SEC. 9. 1. Immediately upon the receipt of the list of delegates pro-
18 vided for in section 8 of this act, the secretary of state shall insure that:

19 (a) All delegates are state-at-large delegates;

20 (b) Each candidate for delegate is registered as a member of the
21 political party whose convention he proposes to attend;

22 (c) The names of delegates from the same county are separated by the
23 name of at least one other delegate if the total number of names is suffi-
24 cient so to permit;

25 (d) Each delegate has consented to submission of his name as a dele-
26 gate for the particular candidate;

27 (e) The delegate who is named first on each list is designated as
28 organizing chairman; and

29 (f) Each delegate's name appears on only one list of delegates.

30 2. The secretary of state may prescribe such regulations as are nec-
31 essary to carry out the provisions of this section.

32 SEC. 10. 1. A presidential candidate may enter his name in a presi-
33 dential primary election by filing in the office of the secretary of state,
34 on or before January 20 in a presidential primary election year, a dec-
35 laration of candidacy in which he states that he is honestly seeking the
36 nomination for President and wishes his name to be entered in the
37 presidential primary election.

38 2. A committee of 10 or more qualified electors may enter the name
39 of a presidential candidate in a presidential primary election by filing in
40 the office of the secretary of state, on or before January 20 in a presi-
41 dential primary election year, a declaration of candidacy on behalf of
42 the candidate in which they state that they believe that he is honestly
43 seeking the nomination for President and that they wish his name to be
44 entered in the presidential primary election.

45 3. A declaration of candidacy filed under subsection 1 or subsec-
46 tion 2 shall be accompanied with a filing fee of \$500 and a list of dele-
47 gates to the national political party nominating convention. The filing fee
48 shall be paid into the general fund of the State of Nevada.

4. If the candidate is a resident of Nevada, the declaration of candidacy shall also be accompanied with a petition which contains the signatures of qualified electors equal to 5 percent of the number of voters who voted at the last preceding general election.

SEC. 11. Thirty days before the presidential primary election, the secretary of state shall enter in the presidential primary election the name of any presidential candidate which has been entered in one or more presidential primary elections in other states of the United States, if the political party of such candidate is qualified to participate in the presidential primary election under NRS 293.073, and if such candidate's name has not been entered in the presidential primary election in the State of Nevada. The secretary of state shall not enter a name under the provisions of this section if that name would be the only name on the party ballot.

SEC. 12. A candidate whose name has been entered in the presidential primary election may withdraw from the election if he files with the secretary of state a signed statement that he is not a candidate and is not entered in, and will not enter, any presidential primary election in any other state during the current presidential primary year.

SEC. 13. A presidential primary election shall not be held to elect delegates to the national convention of any political party which, on January 26 of the presidential primary year, has only one presidential candidate's name entered in the primary under the provisions of this chapter. If only one name has been entered by any party, the delegates whose names have been filed in his support in the office of the secretary of state shall be declared elected.

SEC. 14. Not less than 25 days before the presidential primary election, the secretary of state shall transmit to each county clerk a certified list containing the names and addresses of the candidates for President who are entitled to be voted for at the presidential primary election and the names and addresses of the delegates filed in support of such candidates.

SEC. 15. 1. Immediately upon receipt of the certified list of candidates and delegates from the secretary of state, each county clerk shall publish in a newspaper having a general circulation in the county, or, in the absence of such a newspaper, shall post in three public places in each precinct within the county a presidential primary notice.

2. The presidential primary notice shall be in substantially the following form:

NOTICE BY COUNTY CLERK OF THE TIME AND PLACE OF
PRESIDENTIAL PRIMARY ELECTION, POLITICAL PARTIES
ENTITLED TO PARTICIPATE THEREIN, AND
NAMES AND ADDRESSES OF CANDIDATES FOR
PRESIDENT AND DELEGATES SUPPORTING
SUCH CANDIDATES

Notice is hereby given that a presidential primary election is to be held in the county of on Tuesday, the day of March, 19....., and that the political parties entitled to participate therein, the

presidential candidates and the delegates supporting such candidates are as follows:

	.....Party	
Candidate	Candidate	Candidate
Name.....	.....	.....
Address.....	.....	.....
Delegates	Delegates	Delegates
1. Name.....	.....	.....
Address.....	.....	.....
2. Name.....	.....	.....
Address.....	.....	.....
Etc.	Etc.	Etc.
	.....Party	
	Etc.	

Notice is also hereby given that on presidential primary election day the polls will be open from the hour of a.m. until the hour of p.m., and that during those hours the election will be held at the legally designated polling places in each precinct in the county, which are as follows:

City of
(Name or number of precinct) (Location of polling place)

Precinct.....
Precinct.....
Town of.....
Precinct.....
.....township (outside of city)
Precinct.....
Dated this day of, 19.....

County Clerk

SEC. 16. 1. On or before February 11 in a presidential primary election year, the secretary of state shall cause to be printed by the superintendent of state printing, and shall distribute to each county clerk, sample ballots for the presidential primary election in such number as each county clerk shall certify are necessary.

2. The secretary of state shall mail one copy of the sample ballot to each presidential candidate at the best available address of such candidate.

SEC. 17. On or before February 15 of a presidential primary year, the secretary of state shall cause to be printed by the superintendent of state printing on official paper, and shall distribute to each county clerk, official ballots in such number as the county clerk shall certify are necessary to meet the needs of his county.

SEC. 18. The secretary of state shall prescribe the form of all ballots for the presidential primary election and shall insure that:

1. The name of the political party appears at the top of the ballot;
2. The names of all candidates entered in the election under sections 10 and 11 appear on the ballot and that the names of delegates do not appear on the ballot;

3. The names of presidential candidates entered in the election by declaration under section 10 of this act appear in chronological order based upon the dates of filing in the office of the secretary of state and

1 precede the names of presidential candidates entered under the provisions
2 of section 11 of this act;

3 4. The names of presidential candidates entered in the presidential
4 primary election by the secretary of state under the provisions of section
5 11 of this act appear in chronological order; and

6 5. In all other respects the ballots conform as closely as possible to
7 the ballots used in other primary elections.

8 SEC. 19. A presidential primary election shall be held in each precinct
9 on the 1st Tuesday in March of the year 1972 and every 4 years there-
10 after.

11 SEC. 20. 1. A vote for a candidate entered in the presidential pri-
12 mary election under section 10 of this act constitutes a vote for the list
13 of delegates filed with the declaration of candidacy in the office of the
14 secretary of state.

15 2. A vote for a candidate entered in the presidential primary election
16 under section 11 of this act constitutes a vote for the delegates selected
17 after the presidential primary election under subsection 3 of section 8
18 of this act.

19 SEC. 21. 1. On or before the third day after a presidential primary
20 election, the board of county commissioners of each county shall open
21 the returns of votes cast and make abstracts of votes, in such form as the
22 secretary of state shall prescribe by regulation, and shall submit the
23 abstracts of votes to the secretary of state.

24 2. Immediately upon receiving notice thereof from the appropriate
25 organ of the political party, the chairman of the state central committee
26 of each political party participating in the presidential primary election
27 shall file in the office of the secretary of state a notice in writing stating
28 the actual number of delegates allotted to represent the state at the next
29 national convention of his party. If a chairman of a state central com-
30 mittee fails to file a notice stating the number of delegates, the secretary
31 of state shall ascertain the number from the call for the national conven-
32 tion issued by the national committee of the party.

33 SEC. 22. Immediately upon receipt of the abstracts of votes from the
34 boards of county commissioners and receipt of the notice of the actual
35 number of delegates from the chairmen of the state central committees,
36 the secretary of state shall:

37 1. Compile and file in his office a statement of the canvassed returns,
38 which shall show the names of the presidential candidates of each party
39 and the total of votes received by each candidate;

40 2. Determine, on the basis of the votes cast, and by the method of
41 equal proportions as employed by the United States House of Repre-
42 sentatives as of the effective date of this chapter, the number of delegates
43 elected from each list of potential delegates. In determining the number
44 of delegates the secretary of state shall modify the method of equal
45 proportions to the extent that no candidate shall receive a minimum of
46 one delegate for the sole reason of having a delegate list;

47 3. Determine the names of the elected delegates by designating the
48 first name on each list from which one or more potential delegates were
49 elected and continuing in order until the proper number of names has
50 been designated;

1 4. Issue to each elected delegate a certificate of election, such poten-
2 tial delegate thereby being elected as delegate to his national party con-
3 vention.

4 5. Notify the state central committee of the appropriate party of the
5 number of delegates, if any, to be selected under subsection 3 of section
6 8 of this act.

7 SEC. 23. A vacancy occurring in a list of delegates shall be filled:

8 1. By appointment by the organizing chairman, if the vacancy occurs
9 before a permanent chairman is chosen.

10 2. By appointment by the permanent chairman if the vacancy occurs
11 after the presidential primary election but before an alternate delegate
12 has been selected.

13 SEC. 24. 1. If a presidential candidate whose name is entered in the
14 presidential primary election dies:

15 (a) Before the ballots have been printed, the secretary of state shall
16 cause his name to be omitted from the ballots.

17 (b) After the ballots have been printed but before the presidential
18 primary election, the secretary of state shall, if time permits, instruct each
19 county clerk that the deceased candidate's name shall be covered wher-
20 ever it appears on the ballot.

21 In either case, the presidential primary election shall proceed as if the
22 name of the deceased candidate had not been entered.

23 2. If a presidential candidate whose name is entered in the presiden-
24 tial primary election dies after the polls open on the day of the presi-
25 dential primary election, or if his name was not covered pursuant to
26 subsection 1, all votes cast for him shall be distributed by the secretary of
27 state equally to the remaining presidential candidates for his political
28 party in the presidential primary election.

29 SEC. 25. The delegates to each national party convention elected at
30 the presidential primary election, before leaving the state to attend the
31 convention, shall meet together and select a permanent chairman of the
32 group.

33 SEC. 26. 1. One alternate delegate for each elected delegate shall
34 be selected by the elected delegate.

35 2. Except in the event of death or disability of a delegate, an alternate
36 shall not vote in place of a delegate without authorization signed by the
37 regular delegate.

38 3. An alternate who votes is subject to the duties imposed by sec-
39 tions 27 and 28 of this act upon the delegate whom he replaces.

40 SEC. 27. Unless and until released, each delegate at the national party
41 convention shall support the candidate in connection with whom his
42 name was filed in the office of the secretary of state, and shall support
43 also that candidate's platform and the platform or policies adopted at
44 the state party convention, but shall give preference to the candidate's
45 platform in case of conflict.

46 SEC. 28. 1. A delegate or alternate is absolutely released from his
47 duty to support the candidate he represents by:

48 (a) Formal release by the candidate; or

49 (b) Nomination of a candidate other than the one supported by the
50 delegate.

1 2. A delegate or alternate is conditionally released from his duty to
2 support the candidate he represents by failure of the candidate to receive
3 10 percent or more of the total vote on the third convention ballot, but
4 each delegate shall again support the candidate if he polls 10 percent or
5 more of the total vote on any subsequent ballot, and shall continue to sup-
6 port him until he again fails to receive 10 percent of the total vote.

7 SEC. 29. 1. The presidential primary election fund account is hereby
8 created. Moneys for this fund account shall be provided by direct legis-
9 lative appropriation.

10 2. Within 30 days after each presidential primary election, the secre-
11 tary of state shall certify to the state controller the amount of expenses
12 incurred by the secretary of state for the printing of ballots and other
13 expenses for the conduct of the presidential primary election, and the
14 state controller shall draw his warrant to pay the claim.

15 3. Within 60 days after each presidential primary election, the board
16 of county commissioners of each county shall certify to the state con-
17 troller the amount of expenses incurred for the conduct of the presiden-
18 tial primary election in their county.

19 4. If the claims of all the counties when added together do not
20 exceed the balance remaining in the presidential primary election fund
21 account after payment of the claim of the secretary of state, the state
22 controller shall draw his warrant to pay to each board of county com-
23 missioners the amount of the certified claims.

24 5. If the claims of all the counties when added together exceed the
25 balance remaining in the presidential primary election fund account, the
26 state controller shall draw his warrant to pay the several boards of
27 county commissioners ratably in proportion to the certified claims.

28 6. The state controller shall transfer to the general fund in the state
29 treasury any balance remaining in the presidential primary election fund
30 account after payment of the claims of the secretary of state and of the
31 counties.

32 SEC. 30. NRS 3.190 is hereby amended to read as follows:

33 3.190 1. The district courts, severally, have original jurisdiction in:

34 (a) All cases in equity.

35 (b) All cases at law which involve the title or the right of possession
36 to, or the possession of real property or mining claims, or the legality
37 of any tax, impost, assessment, toll or municipal fine.

38 (c) All actions to foreclose mechanics' liens.

39 (d) All cases in which the demand, exclusive of interest, or the value
40 of the property in controversy, exceeds \$300.

41 (e) All cases relating to the estates of deceased persons, and the per-
42 sons and estates of minors, idiots and insane persons.

43 (f) The action of forcible entry and unlawful detainer.

44 (g) All criminal cases not otherwise provided for by law.

45 (h) All cases in which election to a public office, including the office
46 of presidential elector [.] and the position of delegate to a political
47 party's national convention to nominate a candidate for President of the
48 United States, is contested, except those offices enumerated in NRS
49 293.407.

1 2. They shall also have final appellate jurisdiction in cases arising in
2 justices' courts and such other inferior tribunals as may be established
3 by law.

4 3. The district courts and the judges thereof shall have power to issue
5 writs of mandamus, injunction, quo warranto, certiorari, and all other
6 writs proper and necessary to the complete exercise of their jurisdiction.
7 They also shall have power to issue writs of habeas corpus, on petition
8 by, or on behalf of, any person held in actual custody in their respective
9 districts.

10 SEC. 31. NRS 244.090 is hereby amended to read as follows:

11 244.090 1. Except as provided in subsections 4 and 5, special meet-
12 ings may be called by the chairman whenever there is sufficient business
13 to come before the board, or upon the written request of a majority of
14 the board.

15 2. The clerk of the board shall give written notice of each special
16 meeting to each member of the board by personal delivery of the notice
17 of the special meeting to each member at least 1 day before the meeting
18 or by mailing the notice to each member's place of residence in the
19 county or by deposit in the United States mails, postage prepaid, at least
20 4 days before the meeting.

21 3. The notice shall specify the time, place and purpose of the meet-
22 ing. If all of the members of the board are present at a special meeting,
23 lack of notice shall not invalidate the proceedings.

24 4. When there is in any county, township or precinct office no officer
25 duly authorized to execute the duties thereof, and it is necessary that a
26 temporary appointment be made to fill such office, as otherwise provided
27 by law, the board of county commissioners is authorized and empowered
28 to, and the board shall forthwith, hold a special meeting for such purpose.
29 The meeting may be held by unanimous consent of the board, or, if for
30 any cause such consent cannot be obtained, then the chairman or any
31 other member of the board having knowledge of such necessity shall
32 forthwith call such special meeting and notify the other members thereof.
33 The meeting shall be held as soon as practicable, but not less than 3 days,
34 except by unanimous consent, after actual notice to all members of the
35 board, whereupon a majority thereof shall proceed to act upon such
36 appointment as provided by law.

37 5. The board shall also meet after each [general] election to can-
38 vass election returns in the manner provided by law.

39 SEC. 32. NRS 245.040 is hereby amended to read as follows:

40 245.040 1. Sheriffs, county recorders and county auditors, county
41 clerks, county assessors and county treasurers shall keep an office at the
42 county seat of their county which shall be kept open on all days except
43 Sundays and nonjudicial days from 9 a.m. to 12 m., and on all days
44 except Sundays, nonjudicial days and Saturdays from 1 p.m. to 5 p.m. for
45 the transaction of public business, but nothing contained herein shall be
46 construed so as to interfere with any duty now required of any public offi-
47 cial under any of the election laws of this state. County clerks shall keep
48 their offices open on all election days during the hours when the polls are
49 open for voting but may, with the consent of the district judge of the
50 county, close their offices for all purposes except election business and the

1 issuance of marriage licenses on any day on which the *presidential pri-*
2 *mary*, primary or general election is held.

3 2. Notwithstanding the provisions of subsection 1, the board of county
4 commissioners of any county may, by an order regularly made and entered
5 in the records of its proceedings, designate the days and hours during
6 which the offices of the sheriff, county recorder and county auditor, county
7 clerk, county assessor and county treasurer shall be kept open for the
8 transaction of public business. Any order so made and entered shall
9 require each office to be kept open for not less than 40 hours during each
10 week, and shall not prevent the county clerk from closing his office for all
11 purposes except election business and the issuance of marriage licenses on
12 primary and general election days as provided in subsection 1.

13 3. Any officer violating the provisions of this section shall be deemed
14 guilty of a misdemeanor, and if any officer mentioned in subsection 1
15 shall absent himself from his office except:

16 (a) When called away from his office by official duties; or
17 (b) When expressly permitted so to do by the board of county com-
18 missioners or a majority of the members thereof in writing; or

19 (c) When he first makes provision to leave his office open for the
20 transaction of public business on the days and during the hours pre-
21 scribed by this section and in charge of a deputy duly qualified to act
22 in his absence,

23 there shall be withheld from his monthly salary that proportion thereof
24 as the number of days of absence bears to the number of days of the
25 month in which such absence occurs. Such sum shall be withheld from
26 payment of salary to the officer for the next succeeding month by order
27 of the board of county commissioners; but no order in the premises shall
28 be made without first giving the officer affected reasonable notice and an
29 opportunity to appear before the board and defend the charge against
30 him.

31 SEC. 33. NRS 293.073 is hereby amended to read as follows:

32 293.073 "Political party" means an organization of voters qualified
33 to participate in a primary election in either of the following ways:

34 1. Any organization of electors which, under a common name or
35 designation at the last preceding general election, polled for any of its
36 candidates a number of votes equal to or more than 5 percent of the
37 total vote cast for Representative in Congress.

38 2. Any organization which, under a common name or designation
39 files a petition with the secretary of state *on or before December 1 pre-*
40 *ceding a presidential primary year* or not less than 60 days prior to any
41 primary election in a nonpresidential primary year. The petition shall be
42 signed by a number of qualified electors equal to or more than 5 percent
43 of the [entire number of votes cast at] *number of voters who voted at the*
44 last preceding general election [for Representative in Congress] declar-
45 ing that they represent a political party or principle, the name of which
46 is stated in the petition, and that they desire to participate and nominate
47 candidates in the primary election. The names of the electors need not
48 all be on one petition, but each petition shall be verified by at least one
49 signer thereof to the effect that the signers are qualified electors of the
50 state according to his best information and belief.

1 SEC. 34. NRS 293.163 is hereby amended to read as follows:

2 293.163 1. In presidential election years, on the call of a national
3 party convention, but one set of [party] county conventions and but one
4 state convention for each party shall be held on such respective dates and
5 at such places as the state central committee of the party shall designate.
6 If no earlier dates are fixed, the state convention shall be held 30 days
7 prior to the date set for the national convention and the county conven-
8 tions shall be held 60 days prior to the date set for the national con-
9 vention.

10 2. Delegates to such conventions shall be selected in the same manner
11 as prescribed in NRS 293.130 to 293.160, inclusive, except as to time,
12 and each convention shall have and exercise all of the power granted it
13 under NRS 293.130 to 293.160, inclusive. In addition to such powers
14 granted it, the state convention shall, [select the necessary delegates and
15 alternates to the national convention of the party, and,] if consistent with
16 the rules and regulations of the party, [shall] select the national com-
17 mitteeman and committeewoman of the party from the State of Nevada.

18 SEC. 35. NRS 293.165 is hereby amended to read as follows:

19 293.165 1. A vacancy occurring in a party nomination for office,
20 except a party nomination for the office of President of the United States
21 or for the position of delegate to the party's national convention for
22 nomination of a candidate for the office of President of the United States,
23 may be filled by a candidate designated by the appropriate political party
24 central committee of the county or state, as the case may be, where:

25 (a) The nominee dies after the primary election and before the general
26 election.

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

29 2. A vacancy occurring in a nonpartisan nomination after a primary
30 election and before a general election shall be filled by the person who
31 received the next highest vote for such nomination in the primary. If
32 there is no such person, the vacancy may be filled by filing a petition with
33 the proper filing officer designating a candidate and signed by a number
34 of registered voters equal to 5 percent or more of the number of voters
35 who voted at the last preceding general election in the township, county,
36 district or state, as the case may be.

37 3. All designations and petitions provided for in this section shall be
38 filed before 5 p.m. of the 1st Wednesday in October. In each case, the
39 statutory filing fee shall be paid and an acceptance of the nomination
40 or designation shall be filed before 5 p.m. of the 1st Wednesday in
41 October.

42 SEC. 36. NRS 293.170 is hereby amended to read as follows:

43 293.170 1. [Not] *On or before December 1 before a presidential*
44 *primary election, or not less than 60 days before a primary or a general*
45 *election, the county central committee of each political party for each*
46 county may recommend to the county clerk of such county three regis-
47 tered voters for each precinct in the county to act as election board
48 officers of the [primary or general] election in such precinct or district.

49 2. Subsequent to such [date] *dates* the county clerk may accept
50 recommendations for reserve election board officers for such election.

1 SEC. 37. NRS 293.175 is hereby amended to read as follows:

2 293.175 1. Candidates of a political party, *except candidates for*
3 *the office of President of the United States and the office of delegate to*
4 *a party's national convention to nominate a candidate for the office of*
5 *President of the United States*, and candidates for nonpartisan offices
6 shall be nominated at the primary election held in accordance with the
7 provisions of this chapter.

8 2. Independent candidates for partisan office shall be nominated in
9 the manner provided in NRS 293.200.

10 3. This chapter shall not apply to:

- 11 (a) Special elections to fill vacancies;
12 (b) The nomination of the officers of incorporated cities; or
13 (c) The nomination of district officers whose nomination is otherwise
14 provided for by statute.

15 SEC. 38. NRS 293.176 is hereby amended to read as follows:

16 293.176 No person may be a candidate for a party nomination in any
17 *presidential primary* or primary election if he has changed the designation
18 of his political party affiliation on an official affidavit of registration in the
19 State of Nevada or in any other state since the date of the last primary
20 election in the State of Nevada.

21 SEC. 39. NRS 293.180 is hereby amended to read as follows:

22 293.180 1. Ten or more registered voters may, not earlier than the
23 2nd Monday in June nor later than 5 p.m. on the 2nd Friday in July, file
24 a certificate of candidacy designating any elector as a candidate of any
25 political party for nomination for any partisan elective office, *except the*
26 *office of President of the United States and the office of delegate to a*
27 *party's national convention to nominate a candidate for the office of Pres-*
28 *ident of the United States*, or as a candidate for nomination for any non-
29 partisan office. When such certificate has been filed, the officer in whose
30 office it is filed shall notify the elector named in such certificate. If the
31 elector named in the certificate files an acceptance of such candidacy and
32 pays the required fee, as provided by law, he shall be a candidate in the
33 primary election in like manner as if he had filed a declaration of candi-
34 dacy.

35 2. If any such certificate of candidacy relates to a partisan office, all
36 of the signers shall be of the same political party as the candidate desig-
37 nated.

38 SEC. 40. NRS 293.185 is hereby amended to read as follows:

39 293.185 The declaration of candidacy, the certificate of candidacy
40 and the acceptance of candidacy *in a primary or general election* shall be
41 filed during regular office hours, as follows:

42 1. For United States Senator, Representative in Congress, state
43 offices, state senators and assemblymen to be elected from districts com-
44 prising more than one county, and all other offices whose districts com-
45 prise more than one county, with the secretary of state.

46 2. For district offices voted for wholly within one county, state sen-
47 ators and assemblymen to be elected from districts comprising but one
48 or part of one county, county and township officers, with the county
49 clerk.

1 SEC. 41. NRS 293.193 is hereby amended to read as follows:

2 293.193 1. Fees as listed in this section for filing declarations of
3 candidacy or acceptances of candidacy *in a primary or general election*
4 shall be paid to the filing officer by cash, cashier's check or certified check.

5	United States Senator.....	\$250
6	Representative in Congress.....	150
7	Governor.....	150
8	Justice of the supreme court.....	150
9	Any state office, other than governor or justice of the	
10	supreme court.....	100
11	Any district office.....	75
12	Any county office.....	40
13	State senator.....	30
14	Assemblyman.....	15
15	Justice of the peace, constable or other town or township	
16	office.....	10

17 2. No filing fee shall be required from a candidate for an office the
18 holder of which receives no compensation.

19 SEC. 42. NRS 293.205 is hereby amended to read as follows:

20 293.205 On or before the 1st Wednesday in **[July,]** *January*, the
21 county clerk shall establish election precincts, define the boundaries
22 thereof, abolish, alter, consolidate and designate precincts as public con-
23 venience, necessity and economy may require in accordance with NRS
24 293.207 to 293.215, inclusive.

25 SEC. 43. NRS 293.247 is hereby amended to read as follows:

26 293.247 1. The secretary of state shall promulgate rules and regu-
27 lations, not inconsistent with the election laws of this state, for the con-
28 duct of **[primary and general]** elections in all counties.

29 2. Such regulations shall prescribe:

- 30 (a) The duties of election boards;
31 (b) The type and amount of election supplies;
32 (c) The manner of printing ballots and the number of such ballots to
33 be distributed to precincts and districts;
34 (d) Standards for voting machines;
35 (e) The manner of preparing, inspecting and placing voting machines;
36 (f) The disposition and custody of voting machines, voting machine
37 keys, and voting booths;
38 (g) The method to be used in distributing ballots to precincts and
39 districts;
40 (h) The method of inspection and the disposition of ballot boxes;
41 (i) The form and placement of instructions to voters;
42 (j) The recess periods for election boards;
43 (k) The size, lighting and placement of voting booths;
44 (l) The amount and placement of guardrails and other furniture and
45 equipment at voting places;
46 (m) The disposition of election returns; and
47 (n) Such other matters as determined necessary by the secretary of
48 state.

49 3. The secretary of state shall prepare and distribute to county clerks
50 the election officer's digest and instructions for election boards.

1 SEC. 44. NRS 293.257 is hereby amended to read as follows:

2 293.257 1. There shall be a separate [primary] ballot for each
3 political party *participating in a primary or presidential primary election*
4 *and there shall be a separate nonpartisan [primary] ballot [.] in pri-*
5 *mary elections.*

6 2. The names of candidates for partisan offices who have designated
7 a political party in [the] a declaration of candidacy or acceptance of
8 candidacy shall appear *in a primary or presidential primary election* on
9 the [primary] ballot of the political party designated.

10 3. The names of candidates for nonpartisan offices shall appear on
11 all political party [primary] ballots and ballot labels *in a primary elec-*
12 *tion* and on nonpartisan ballots and ballot labels.

13 SEC. 45. NRS 293.260 is hereby amended to read as follows:

14 293.260 1. Where there is no contest for nomination to a particular
15 office, neither the title of the office nor the name or names of the candi-
16 dates shall appear on the ballot.

17 2. If only one political party has candidates for an office or offices,
18 the candidates of such party who receive the highest number of votes at
19 such primary [.] election, not to exceed twice the number to be elected
20 to such office or offices at the general election, shall be declared the
21 nominees for the office or offices.

22 3. Where no more than the number of candidates to be elected have
23 filed for nomination for any office, the names of such candidates shall be
24 omitted from all primary election ballots and placed on all general elec-
25 tion ballots.

26 SEC. 46. NRS 293.263 is hereby amended to read as follows:

27 293.263 On political party [primary] ballots *for primary elections*
28 the name of the particular political party shall appear at the top of the
29 ballot. Following this designation shall appear the names of candidates
30 grouped alphabetically under the title of the partisan office for which
31 such candidates filed. Following the names of candidates for partisan
32 offices shall appear the designation "Candidates for nonpartisan offices"
33 and the names of candidates grouped alphabetically under the title of the
34 nonpartisan office for which such candidate filed.

35 SEC. 47. NRS 293.270 is hereby amended to read as follows:

36 293.270 Voting at [any primary or general] an election shall be on
37 printed ballots or voting machine ballot labels.

38 SEC. 48. NRS 293.287 is hereby amended to read as follows:

39 293.287 1. A registered voter applying to vote at any *presidential*
40 *primary or primary* election shall give his political affiliation, if any, to
41 the election board officer in charge of the election board register, and
42 such officer shall immediately announce the name and political affiliation.

43 2. Any person's right to vote may be challenged by any registered
44 voter upon any of the grounds allowed for a challenge in NRS 293.303
45 or on the ground that the person applying does not belong to the political
46 party designated upon the register, or that the register does not show
47 that he designated the political party to which he claims to belong.

48 3. Any such challenge shall be disposed of in the manner provided
49 by NRS 293.303.

50 4. When the election board is satisfied as to the name, political

1 affiliation and identity of the registered voter, the board shall issue the
2 proper party or nonpartisan ballot or admission authority.

3 SEC. 49. NRS 293.313 is hereby amended to read as follows:

4 293.313 1. Any registered voter may vote an absent ballot as pro-
5 vided in this chapter if, on the day of voting at any [general or primary]
6 election, he is or expects to be:

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

10 (b) Unable, because of illness or physical disability, to go to the poll-
11 ing place; or

12 (c) In the service of the United States.

13 2. The spouses and dependents of any voter referred to in subsection
14 1 may vote in the same manner as such voter if, by reason of the services
15 of such voter, they are required to reside beyond the boundaries of the
16 state.

17 SEC. 50. NRS 293.343 is hereby amended to read as follows:

18 293.343 1. A registered voter who resides in an election precinct in
19 which there were not more than 200 voters registered for the last preced-
20 ing general election, or in a precinct in which it appears to the satisfaction
21 of the county clerk that there are not more than 200 registered voters,
22 may vote at [primary and general] elections in the manner provided in
23 NRS 293.345 to 293.355, inclusive.

24 2. Whenever the county clerk has designated a precinct as a mailing
25 precinct, registered voters residing in such precinct may vote at [primary
26 and general] elections in the manner provided in NRS 293.345 to
27 293.355, inclusive.

28 SEC. 51. NRS 293.345 is hereby amended to read as follows:

29 293.345 The county clerk shall mail to each registered voter in each
30 mailing precinct and in each absent ballot mailing precinct, before 5 p.m.
31 on the 4th Thursday in August and before 5 p.m. on the 4th Tuesday in
32 October of any year in which a general election is to be held, *and before*
33 *5 p.m. on the 4th Thursday in February of any year in which a presiden-*
34 *tial primary election is to be held*, an official mailing ballot to be voted
35 by him at such election.

36 SEC. 52. NRS 293.387 is hereby amended to read as follows:

37 293.387 1. As soon as the returns from all the precincts and dis-
38 tricts in any county have been received by the board of county commis-
39 sioners such board shall meet and proceed to canvass the returns. The
40 canvass shall be completed on or before the 10th day following the elec-
41 tion.

42 2. In making its canvass, the board of county commissioners shall
43 note separately any clerical errors discovered, and shall take account of
44 the changes resulting from such discovery, so that the result declared will
45 represent the true vote cast.

46 3. The county clerk shall, as soon as the result is declared, enter upon
47 the records of such board an abstract of the result, which shall contain the
48 number of votes cast for each candidate. The board of county commis-
49 sioners, after making such abstract of votes, shall cause the county clerk,
50 by an order made and entered in the minutes of its proceedings, to make

1 a copy of such abstract and transmit the same to the secretary of state
2 within 10 days after the day of election.

3 4. The secretary of state shall, immediately after any primary [.]
4 election, compile the returns for all candidates voted for in more than one
5 county. He shall make out and file in his office an abstract thereof, and
6 shall certify to the county clerk of each county the name of each person
7 nominated, and the name of the office for which he is nominated.

8 SEC. 53. NRS 293.400 is hereby amended to read as follows:

9 293.400 1. If, after the completion of the canvass of the returns of
10 any election, *except a presidential primary election*, two or more persons
11 receive an equal and the highest number of votes, the winner shall be
12 determined as follows:

13 (a) For United States Senator, member of Congress, district or state
14 office, the legislature shall, by joint vote of both houses, elect one of
15 such persons to fill the office.

16 (b) For any office of a county, township, incorporated city, city
17 organized under a special charter where such charter is silent as to
18 determination of a tie vote, or district which is wholly located within one
19 county, the county clerk shall summon the candidates who have received
20 the tie votes to appear before him at a time and place designated by him
21 and determine the tie by lot. If the tie vote is for the office of county
22 clerk, the board of county commissioners shall perform the above duties.

23 2. The summons mentioned in this section shall in every case be
24 mailed to the address of the candidate as it appears upon his affidavit
25 of registration at least 5 days before the day fixed for the determination
26 of the tie vote and shall contain the time and place where such determina-
27 tion will take place.

28 3. The right to a recount provided in NRS 293.403 shall extend to
29 both candidates in case of a tie.

30 SEC. 54. NRS 293.413 is hereby amended to read as follows:

31 293.413 1. The statement of contest provided for in NRS 293.407
32 shall be filed with the clerk of the district court no later than 5 days
33 after a recount is completed, and no later than 14 days after the election
34 if no recount is demanded. The parties to a contest shall be denominated
35 contestant and defendant.

36 2. The court shall set the matter for hearing not less than 5 days nor
37 more than 10 days after the filing of the statement of contest [.] *except*
38 *that for contests concerning presidential primary elections, the court shall*
39 *set the matter for hearing not more than 3 days after the filing of the*
40 *statement of contest.* Election contests shall take precedence over all
41 regular business of the court in order that results of elections shall be
42 determined as soon as practicable.

43 3. The court may refer the contest to a special master in the manner
44 provided by the Nevada Rules of Civil Procedure, and such special
45 master shall have all powers necessary for a proper determination of the
46 contest.

47 SEC. 55. NRS 293.443 is hereby amended to read as follows:

48 293.443 1. The expense of providing all ballots, forms and other
49 supplies to be used at any [primary or general] election and all expenses
50 necessarily incurred in the preparation for, or the conduct of, any such

1 election shall be a charge upon the municipality, county, district or state,
2 as the case may be.

3 2. The cost of printing ballots shall not exceed the sum of \$80 per
4 thousand or fraction thereof for the first two thousand ballots printed and
5 \$40 for each additional thousand printed.

6 3. The county clerk may submit such printing for competitive
7 bidding.

8 SEC. 56. NRS 293.470 is hereby amended to read as follows:

9 293.470 Only voting machines or devices approved by the secretary
10 of state may be used in any [general or primary] election.

11 SEC. 57. NRS 293.473 is hereby amended to read as follows:

12 293.473 Each voting machine shall:

13 1. Secure to the voter secrecy in the act of voting.

14 2. Provide facilities for voting for the candidates of as many political
15 parties or organizations as may make nominations and for or against
16 measures.

17 3. Permit the voter to vote for any person for any office that he has
18 the right to vote for, but no other.

19 4. Except at *presidential primary elections* or primary elections, per-
20 mit the voter to vote for all the candidates of one party or in part for
21 the candidates of one party and in part for the candidates of one or
22 more other parties.

23 5. Permit the voter to vote for as many persons for an office as he
24 is lawfully entitled to vote for, but no more.

25 6. Prevent the voter from voting for the same person more than
26 once for the same office.

27 7. Permit the voter to vote for or against any measure he may have
28 the right to vote on, but no other.

29 8. Correctly record all votes cast for any and all candidates and
30 for or against any and all questions.

31 9. Be so equipped that the election officials can lock out all rows
32 except those of the voter's party by a single adjustment on the outside
33 of the machine.

34 10. Be provided with a lock or locks by which all operation of the
35 recording mechanism can be prevented as soon as the polls are closed.

36 11. Be provided with a protective counter, whereby any operation
37 or tampering with the machine before or after the election will be
38 detected. The protective counter shall be so constructed and so con-
39 nected that it cannot be reset, altered or operated, except by operating
40 the machine.

41 12. Be provided with a public counter which shall show at all times
42 during an election how many persons have voted.

43 13. Be provided with a mechanical model, suitable for the instruction
44 of voters, illustrating the manner of voting on the machine.

45 14. Provide in the general election for grouping, under the name
46 of the office to be voted on, all the candidates for the office with the
47 designation of the parties, if any, by which they were nominated. The
48 party designation may be by usual or reasonable abbreviation.

1 SEC. 58. NRS 293.475 is hereby amended to read as follows:
2 293.475 The voting devices for candidates at *presidential primary*
3 *and* primary elections shall be arranged in separate parallel lines, one
4 or more lines for each party, and in parallel office rows transverse thereto.
5 SEC. 59. NRS 293.540 is hereby amended to read as follows:
6 293.540 The county clerk shall cancel an affidavit of registration:
7 1. If he has personal knowledge of the death of the person registered,
8 or if an authenticated certificate of the death of any elector is filed in his
9 office.
10 2. If the insanity of the person registered is legally established.
11 3. Upon the production of a certified copy of the judgment of con-
12 viction of the person registered of a felony.
13 4. Upon the production of a certified copy of the judgment of any
14 court directing the cancellation to be made.
15 5. Upon the request of any registered voter to affiliate with any
16 political party, or to change his affiliation, if such change is made before
17 the end of the last day for filing declarations of candidacy for a *presi-*
18 *dential primary election* or primary election.
19 6. Upon the request of any registered voter who has changed his
20 name, if such voter satisfies the registrar that such change has been
21 legally effected.
22 7. At the request of the person registered.
23 8. When any registered voter fails to vote in any general election.
24 9. When he has discovered an incorrect registration pursuant to NRS
25 293.530.
26 SEC. 60. NRS 293.557 is hereby amended to read as follows:
27 293.557 1. At least 90 days prior to the closing of registration for
28 any election, the county clerk shall prepare and date an alphabetical list
29 of the persons whose names remain on the county clerk's register of
30 each precinct and district. He shall cause to be published once in each
31 of the newspapers circulated in different parts of the county a list of all
32 registered voters, segregated by precincts or districts, within the circula-
33 tion area of each newspaper, or cause to be published once in a news-
34 paper circulated in the county a segregated listing for the entire county:
35 (a) At least 75 days before any *presidential primary election* or pri-
36 mary election.
37 (b) After each *presidential primary election* and primary election and
38 not less than 2 weeks before the close of registration for the ensuing
39 general election.
40 2. The county may not pay more than 10 cents per name to each
41 newspaper publishing the list.
42 SEC. 61. NRS 293.560 is hereby amended to read as follows:
43 293.560 1. Registration shall close at 9 p.m. of the seventh Saturday
44 preceding any *presidential primary election* or primary election and at
45 9 p.m. on the sixth Saturday preceding any general election.
46 2. During the last 5 days before registration closes, registration
47 offices shall be open from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m.,
48 including Saturdays.

1 3. The county clerk of each county shall publish in a newspaper
2 having a general circulation in the county a notice signed by him indi-
3 cating the day that registration will be closed. If no such newspaper is
4 published in the county, then such publication may be made in a news-
5 paper of general circulation published in the nearest Nevada county.
6 4. Such notice shall be published once each week for 4 consecutive
7 weeks next preceding the close of registration for any election.
8 5. At least 15 days before the time when the county clerk's register is
9 closed for any election, the county clerk shall mail a copy of such notice
10 to deputy registrars, to be posted in a conspicuous place in each voting
11 precinct outside incorporated cities and in which there is no newspaper of
12 general circulation.
13 SEC. 62. NRS 293.565 is hereby amended to read as follows:
14 293.565 On or before February 15 in a *presidential primary election*
15 year and on or before the 4th Monday in August preceding a primary
16 election and on or before the 4th Monday in October preceding a general
17 election, the county clerk shall cause to be mailed to each registered voter
18 in the county a sample ballot for his precinct with a notice informing such
19 voter of the location of his polling place.
20 SEC. 63. NRS 293.567 is hereby amended to read as follows:
21 293.567 Not later than the second Friday next preceding the *presi-*
22 *dential primary*, primary or general election, the county clerk shall ascer-
23 tain by precinct and district the number of registered voters in the county
24 and their political affiliation, if any, and transmit such information to the
25 secretary of state.
26 SEC. 64. Chapter 293 of NRS is hereby amended by adding thereto
27 the provisions set forth as sections 65 and 66 of this act.
28 SEC. 65. "*Presidential primary election*" means the election on the
29 1st Tuesday in March at which delegates to the national political party
30 nominating conventions which nominate candidates for President of the
31 United States are elected.
32 SEC. 66. "*Presidential primary year*" means any year in which a *Presi-*
33 *dent of the United States* is to be elected.
34 SEC. 67. NRS 11.240 is hereby repealed.
35 SEC. 68. There is hereby appropriated from the general fund in the
36 state treasury to the presidential primary election fund account the sum
37 of \$140,000 for the biennium beginning July 1, 1971, and ending June
38 30, 1973.

55th SESSION

MARCH 17, 1969

The meeting was called to order by Chairman R. Young at 11:10 A.M. in the Ways and Means Room.

Present: R. Young, Howard, Bowler, Ashworth, Webb, Close
Jacobsen, F. Young

Absent: Glaser

* Mr. Norman Hilbrecht was present to discuss A.B. 200 which creates a Presidential primary election.

A.B. 636 Provides for staggered registration of vehicles.

Mr. Ashworth moved that A.B. 636 be reported out with a DO PASS.

Mr. Webb seconded the motion.
Motion passed unanimously.

A.B. 236 Changes membership and increases compensation of Nevada Tax Commission. Estimate cost: \$10,750.

Mr. Ashworth moved that A.B. 236 be reported out with a DO PASS as amended.

Mr. Howard seconded the motion.
Motion passed unanimously.

Mr. Ashworth moved that S.B. 25 be postponed indefinitely.
Mr. Jacobsen seconded the motion.
Motion passed unanimously.

Meeting adjourned at 11:56 A.M.

The meeting was called to order by Chairman R. Young at 12:20 P.M.

Present: R. Young, Howard, Bowler, Ashworth, Webb, Close,
Jacobsen, F. Young, Glaser

Absent: None

Mr. Howard recommended certain Unclassified Salaries.

Mr. F. Young moved that the Unclassified Salaries in the Dept. of Health, Welfare, & Rehabilitation be approved.

Mr. Bowler seconded the motion.
Motion passed unanimously.

Mr. Bowler moved that the Unclassified Salaries in the Dept. of Economic Opportunity be approved as recommended.

Mr. Jacobsen seconded the motion.
Motion passed unanimously.

Mr. Webb moved that the Unclassified Salaries in the Mental Hygiene Division be approved as amended.
Mr. Young seconded the motion.

NEW HAMPSHIRE PRESIDENTIAL PRIMARY (1968) Estimated amounts expended.

Nixon	\$ 300,000	claimed as expended, was probably more.
Romney	\$ 250,000	had planned to spend \$350,000
McCarthy	\$ 270,000	
Johnson (slate)	\$ 100,000	although they claim they only spent \$63,000.
<hr/>		
\$ 920,000		

Minor amounts were spent (unofficial) for Kennedy, Reagan, Rockefeller -
who were not formal candidates in the presidential primary in N. H.

[These estimates supersede the amounts obtained
previously from Mr. Herbert E. Alexander, Director,
Citizens Research Foundation, Princeton, New Jersey.
(609) 924-0246]

THIS IS NEW OUT-OF-STATE MONEY WHICH WE COULD ANTICIPATE WITH ENACTMENT OF THE EARLIEST PRESIDENTIAL PRIMARY AS AB 200 WOULD DO.

I SUGGEST THIS WOULD MORE THAN OFFSET THE ANTICIPATED \$140,000 COST OF THE ELECTION!

THE REVENUES DERIVED AMOUNTED TO \$1.30 PER PERSON IN NEW HAMPSHIRE, AND WOULD AMOUNT TO \$2.00 PER PERSON IN NEVADA, BASED ON JUL 1 '68 POPULATION FIGURES.

BECAUSE OF THE RESORT NATURE OF OUR ECONOMY, THESE FIGURES ARE PROBABLY CONSERVATIVE!

APRIL 9, 1969

55th SESSION

The meeting was called to order at 11:25 A.M. by
Chairman R. Young in the Ways and Means Committee Rm.

Present: R. Young, Howard, Bowler, Ashworth, Webb,
Glaser, F. Young, Close

Absent: Jacobsen

Assemblyman Bart Schouweiler was present to speak on
A.B. 764 Which makes general Fund appropriation to
Washoe County and Stanley H. Brown, Esq. for trial
expenses.

Mr. Schouweiler commented that the trial lasted 9 weeks
at a loss of \$14,899. It cost \$13,000 for prosecuting
the case. Mr. Brown received \$300 because defense of
a non-capital offense is limited to that amount by law.

Mr. Webb moved that A.B. 764 be reported out with a
DO PASS.

Mr. Glaser seconded the motion.

Motion lost.

Mr. Close not voting.

S.B. 278 Provides for payment of costs of returning
parole, probation violators from reserve for statutory
contingency fund and payment of extradition costs by
Governor from appropriated moneys.

Mr. Gene Phelps spoke in favor of the bill and said this
is to change to the statutory contingency fund and
removes cost from Parole and Probation Budget.

Mr. Webb moved that S.B. 278 be reported out with a
DO PASS.

Mr. Ashworth seconded the motion.

Motion passed unanimously.

Assignment for floor: Webb

S.B. 491 Authorizes transfer of certain welfare funds
for support of aid to dependent children program for
fiscal year ending June 30, 1969

Mr. Webb moved that S.B. 491 be reported out with a
DO PASS.

Mr. Close seconded the motion.

Motion passed unanimously.

Assignment for floor: Close

S.B. 485 Authorizes State Treasurer to maintain cash fund.

Mr. Frank Young moved that S.B. 485 be reported out with a DO PASS.

Mr. Close seconded the motion.
Motion passed unanimously.

Assignment for floor: F. Young

S.B. 469 Reverts unexpended balances of moneys appropriated from General Fund for fiscal year ending June 30, 1969, on June 30, 1970.

Mr. Howard moved that S.B. 469 be reported out with a DO PASS.

Mr. Bowler seconded the motion.
Motion passed unanimously.

Assignment for floor: Howard

S.B. 426 Increases compensation of members of Nevada Gaming Commission.

Mr. Glaser moved that S.B. 426 be reported out with a DO PASS.

Mr. Ashworth seconded the motion.
Motion passed unanimously.

S.B. 471 Makes Supplemental General Fund appropriation to Title XIX Fund for Fiscal Year Ending June 30, 1969.

Mr. Oliver commented that the constitution sets the standards that no one can obligate the state, unless there is an appropriation to cover the obligation. Now they have enough information in Title XIX program to know that people are receiving hospital treatment care and obligations are being incurred. The bills won't come in until the end of the year. The money won't be paid until July or August, but an appropriation for these obligations must be made.

Mr. Phelps stated that it is unlawful to bind the state.

* Mr. Glaser moved that A.B. 200 be reported out with a DO PASS.

Mr. Bowler seconded the motion.
Motion passed.

Mr. Webb, Jacobsen, and R. Young vote no.

The meeting adjourned at 12:05 P.M.

The meeting was called to order by Chairman R. Young at 3:15 P.M. in the Ways and Means Room.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 281, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 37, 38, 42, 49.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 174, 482, 496.

JEAN HANNA

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By the Committee on Taxation:

Assembly Concurrent Resolution No. 54—Directing the Legislative Commission to make a feasibility study of remedial tax measures for the support of local government.

Mr. Tim Hafen moved that the resolution be referred to the Committee on Legislative Functions.

Motion carried.

Mr. Roy Young moved that the Assembly do not recede from its action on Senate Bill No. 264, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Motion carried.

Mr. Speaker appointed Messrs. Howard, Frank Young, and Glaser as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 264.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 174.

Mr. Lowman moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 482.

Mr. Lowman moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 496.

Mr. Lowman moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Homer moved that Assembly Bill No. 720 be taken from its position on the General File and placed on the General File immediately following Assembly Bill No. 779.

Remarks by Mr. Homer.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 200.

Bill read third time.

Remarks by Messrs. Hilbrecht, Torvinen, and Roy Young.

Roll call on Assembly Bill No. 200:

YEAS—26.

NAYS—Fry, Getto, Howard, Prince, Smith, Swackhamer, Swallow, Torvinen, Webb, Roy Young—10.

Absent—Ashworth, Bowler, Schouweiler, Wood—4.

Assembly Bill No. 200 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 223.

Bill read third time.

Remarks by Mr. Reid.

Roll call on Assembly Bill No. 223:

YEAS—28.

NAYS—Roy Young.

Absent—Ashworth, Bowler, Swackhamer, Webb, Wilson, Wood—6.

Not voting—Bryan, Capurro, Hilbrecht, Torvinen, Tyson—5.

Assembly Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 235.

Bill read third time.

Remarks by Mr. Hilbrecht.

Roll call on Assembly Bill No. 235:

YEAS—34.

NAYS—None.

Absent—Bowler, Swackhamer, Webb, Wilson, Wood, Roy Young—6.

Assembly Bill No. 235 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 277.

Bill read third time.

Remarks by Mr. Homer.

Roll call on Assembly Bill No. 277:

YEAS—32.

NAYS—None.

Absent—Bryan Hafen, Prince, Reid, Swackhamer, Webb, Wilson, Wood, Roy Young—8.

Assembly Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 321.

Bill read third time.

Remarks by Mr. Homer.

Roll call on Assembly Bill No. 321:

YEAS—36.

NAYS—None.

Absent—Bryan Hafen, Webb, Wilson, Roy Young—4.

Assembly Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SENATE JUDICIARY COMMITTEE

MINUTES

Meeting was called to order at 9:00 a. m. on April 12th, by Chairman Monroe.

Committee members present: Chairman Monroe
Senator Swobe
Senator Young
Senator Bunker
Senator Christensen
Senator Hug
Senator Dodge

Legislative Counsel: Frank Daykin

Guests: Roy Torvinen, Assemblyman

Chairman Monroe advised the Assembly did not concur with the amendments on AB 528. The members decided to go to conference.

AJR 46 - Proposes constitutional amendment to alter composition of state board of Pardons.

Senator Dodge advised the Governor discussed this with the committee members of the Assembly and he agreed that the Attorney General and the Judges should not be on the Board of Pardons, however he would feel better if there was an advisory committee to discuss the decisions with. He felt it should contain he would have to be on the prevailing side for the final decision. He did not agree to do away with the Board and leave him alone with the decision.

Senator Monroe suggested they go to conference on this. It was agreeable.

* AB 200 - Creates presidential primary election.

Chairman Monroe suggested each member study this bill and it will be discussed Monday. He gave each member a copy of the amounts expended on the New Hampshire Presidential Primary in 1968 as requested by Mr. Hilbrecht.

Senator Dodge felt they should ask Mr. Hilbrecht in Monday.

AB 487 - Raises bond required of notaries public.

Chairman Monroe advised Mr. Close was concerned about the

MINUTES

Meeting was called to order at 9:10 a. m. on April 15, 1969 by Senator Monroe, Chairman.

Committee Members Present: Chairman Monroe
Senator Hug
Senator Swobe
Senator Young
Senator Bunker
Senator Christensen
Senator Dodge

Guests: Mr. McDonald, Veteran's Administration,
Reno, Nevada

Assemblyman Hilbrecht

Chairman Monroe introduced Mr. McDonald from the VA who was present to discuss AB 593 and AB 608.

Mr. McDonald was representing Mr. Jacobsen the Nevada Commissioner of Veteran's Affairs. Mr. Jacobsen had suffered two heart attacks and was unable to be present but asked Mr. McDonald to present the problems before the committee.

Mr. Jacobsen handles between 85 and 100 estates of incompetents or minors who receive monthly benefits. He administers before the courts and many estates require monthly disbursement of funds to meet the needs of the recipient. After Mr. Jacobsen suffered th two heart attacks they realized there were no provisions for a replacement to handle these estates if Mr. Jacobsen should die. These bills would provide a guardian be appointed by the courts in an official capacity rather than an individual capacity as it is done now. The Governor would designate a successor immediately and the successor would file a blanket bond and he could proceed in an official capacity.

Mr. Jacobsen stated the attorneys present would appreciate what a problem there would be if the distribution of the estates was not taken care of for a period of time. He stated there were guardians in every judicial district in the state to handle the estates.

Senator Young moved AB 593 be put out with the recommendation "Do Pass".

Senator Swobe seconded.
Motion carried.

AB 608 - Senator Young moved "Do Pass".
Senator Swobe seconded
Motion carried.

* AB 200 - Creates presidential primary election.

Mr. Hilbrecht stated this was the second such bill introduced. AB 200 bears his name but it was done as a courtesy as he introduced the first bill. This would create a preferential presidential primary election in the State of Nevada. There are 26 states that now have a presidential primary. This would require that a primary election be held every four years, which would be only presidential years. The results would be apportioned between the names on the ballots and the electors are bound by the results unless the candidate receives less than 10% of the vote or unless they are released by a candidate.

The mechanics of the bill are - A candidate's name is automatically placed on the ballot by the Secretary of State if that name appeared on the ballot in a primary in another state. Draft provisions are required for a good faith candidate to be placed on the ballot.

This would be very important to the State of Nevada as it would be the earliest primary in the United States. We would have the benefit of the closing of the filings in other states, the first would be New Hampshire, then West Virginia and then Indiana. This would be good publicity for Nevada. We would get a front page treatment that would be good instead of some of the adverse publicity we sometimes get. It would advertise our convention facilities, housing facilities and might bring in added interest in the slack season which would be of economic value.

A primary in the state would be valuable at a national convention. There was a lot of criticism about the way the last national conventions were handled and how the presidential candidates were picked. This would give a popular vote representation at the conventions.

One of the big questions is how much money will this cost? It was researched and honest estimates were made and the cost was made at \$140,000. Mr. Hilbrecht felt that it would not cost anything in the long run and he felt so sure that he felt he would almost underwrite the cost himself. It would create additional political party secretarial positions and make many new jobs within the party structures.

It would not have any effect on the local and state candidates as the only candidates on the ballot would be the presidential candidates.

Senator Monroe objected to sections 16 and 17. He felt this gave the independent printers a "run around", as it required the ballots to be printed by the state printing office at the direction of the Secretary of State. He felt the Secretary of State could send out sample copies to all independent printers in the different counties and let them do the printing.

Mr. Hilbrecht had no objections to making this change. He just thought it would be easier to have one printer do it all as long as they were all to be the same throughout the state.

Chairman Monroe also mentioned the requirement in Section 24 which provided that the county clerk should strike out any name of persons who might be deceased between the printing of the ballots and election day. This was discussed and pointed out that this said "as time permits" This satisfied Senator Monroe.

Senator Monroe also questioned the section referring to the apportioning of the votes a deceased person might received if there was not sufficient time to take his name off of the ballot.

Mr. Hilbrecht explained this would not change the results but those votes would be divided proportionately between the other candidates. These votes would not determine the electoral vote but only the delegates votes. Each party has their own system for delegates so it would not have any effective change.

Senator Bunker moved to amend, do pass and refer to the finance committee.

Senator Young seconded the motion.
Motion carried.

AB 263 - Separates offenses of drunk driving and driving under the influence of drugs.

Chairman Monroe stated this was recalled and put back in committee as it was amended to resolve a conflict with 270. This was the third reprint.

Senator Dodge moved "Do Pass".
Senator Young seconded.
Motion carried.

Chairman Monroe read a letter from Washoe District Attorney Wm. Raggio who was concerned about the narcotic bills 212, 213 and 223 (all assembly bills.)

There was no change of feelings about AB 213, 212 or 223 and the committee unanimously decided not to change their action on any of these bills.

AB 99 - Limits application of automobile and aircraft "guest statute".

Senator Swobe stated he did not feel the insurance industry presented a good defense against this bill.

Senator Christensen felt there were good points brought up by both sides.

leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

JAMES I. GIBSON, *Chairman*

Mr. President:

Your Committee on Commerce, to which was referred Assembly Bill No. 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARVIN L. WHITE, *Chairman*

Mr. President:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 235, 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARVIN L. WHITE, *Chairman*

Mr. President:

Your Committee on Health and Welfare, to which was re-referred Senate Bill No. 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

M. J. CHRISTENSEN, *Chairman*

Mr. President:

Your Committee on Judiciary, to which was re-referred Assembly Bill No. 290, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WARREN L. MONROE, *Chairman*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 16, 1969

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate amendment to Assembly Bill No. 700.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 69 and requests a second conference, and appointed Messrs. Homer, Schouweiler, and Miss Foote as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 69.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 478.

Also, I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 387, 484, 487, 510.

Also, I have the honor to inform your honorable body, that the Assembly amended, and on this day passed, as amended, Senate Bills Nos. 179, 196, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate amendment to Assembly Bill No. 757.

THERESA LOY
Chief Clerk of the Assembly

SECOND READING AND AMENDMENT

Assembly Bill No. 186.

Bill read second time, and ordered to third reading.

Assembly Bill No. 200.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 2386.

Amend sec. 16, page 5, by deleting lines 31 through 35 and inserting:

"tion year, each county clerk shall cause a sufficient number of sample ballots for the presidential primary election to be printed in the form prescribed by the secretary of state.

2. The county clerk shall mail one copy of the sample ballot to".

Amend sec. 17, page 5, by deleting lines 38 through 41 and inserting: "each county clerk shall cause a sufficient number of official ballots to be printed on official tinted paper in the form prescribed by the secretary of state."

Senator Monroe moved the adoption of the amendment.

Seconded by Senator Manning.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Senator Monroe moved that Assembly Bill No. 200 be re-referred to the Committee on Finance.

Seconded by Senator Brown.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 235.

Bill read second time, and ordered to third reading.

Assembly Bill No. 282.

Bill read second time, and ordered to third reading.

Assembly Bill No. 397.

Bill read second time, and ordered to third reading.

Assembly Bill No. 404.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 2336.

Amend section 1, page 2, by deleting line 3 and inserting: "*the accident, or to the extent of such deficiency, any bodily injury liability insurance or bond in force is less than the amount required by NRS 485.210;*".

Amend section 1, page 2, line 15, by deleting "24 hours" and inserting: "*the time required by NRS 484.010 to 484.025, inclusive,*".

Senator White moved the adoption of the amendment.

Seconded by Senator Monroe.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 762.

Bill read second time, and ordered to third reading.

Assembly Bill No. 763.

Bill read second time, and ordered to third reading.

Assembly Bill No. 788.

Bill read second time, and ordered to third reading.

Assembly Bill No. 792.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 200—MR. HILBRECHT

FEBRUARY 7, 1969

Referred to Committee on Elections

SUMMARY—Creates presidential primary election. (BDR 24-1330)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to elections; creating a presidential primary election; making an appropriation therefor; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 SECTION 1. Title 24 of NRS is hereby amended by adding thereto a
2 new chapter to consist of the provisions set forth in sections 2 to 29, inclu-
3 sive, of this act.

4 SEC. 2. This chapter may be cited as the Presidential Primary Law.

5 SEC. 3. The provisions of chapter 293 of NRS apply to presidential
6 primary elections except where specifically provided otherwise.

7 SEC. 4. 1. All political parties qualified pursuant to subsection 1 of
8 NRS 293.073 shall participate in the presidential primary election under
9 the provisions of this chapter.

10 2. Any political party qualified pursuant to subsection 2 of NRS
11 293.073 may participate in the presidential primary election under the
12 provisions of this chapter.

13 SEC. 5. 1. On or before December 1 preceding a presidential pri-
14 mary year, the chairman of the state central committee of each political
15 party participating in the presidential primary election shall file in the
16 office of the secretary of state a notice in writing stating the number of
17 persons to be selected as potential delegates to represent the state at the
18 next national convention of his party.

19 2. The statement of the number of potential delegates shall be in sub-
20 stantially the following form:

21 STATEMENT OF NUMBER OF POTENTIAL DELEGATES
22 TO PARTY NATIONAL CONVENTION
23

24
25 To the Secretary of State
26 Carson City, Nevada

27 You are hereby notified that the number of persons to be selected as

1 potential delegates to represent the State of Nevada in the next national
2 convention of the party is.....

3 Dated this day of, 19.....

4
5 Chairman of the state central com-
6 mittee of the party.

7 3. If a chairman of a state central committee fails to file a notice
8 stating the number of potential delegates, the secretary of state shall
9 ascertain the approximate number from the call for the national conven-
10 tion issued by the national committee of the party in the previous presi-
11 dential primary year.

12 SEC. 6. 1. On or before December 10 preceding a presidential pri-
13 mary year, the secretary of state shall transmit to each county clerk a
14 notice in writing stating the number of potential delegates to be elected
15 by each political party.

16 2. The notice of the secretary of state required by subsection 1 to
17 be transmitted to the county clerks shall be in substantially the following
18 form:

19
20 CERTIFICATE OF SECRETARY OF STATE AS TO NUMBER
21 OF POTENTIAL DELEGATES TO EACH PARTY
22 NATIONAL CONVENTION
23

24 To the county clerk of county:

25 I hereby certify to you that the political parties qualified to participate
26 in the presidential primary to be held in this state on the day of
27 March 19.... and the number of potential delegates to be elected by each
28 political party to represent the State of Nevada in its next national con-
29 vention are as follows:

30 Parties	30 Number of Delegates
31	31
32	32
33	33

34 Dated at Carson City, Nevada, this day of April, 19....

35
36 Secretary of State

37 SEC. 7. On or before December 20 preceding a presidential primary
38 year the county clerk shall publish once, in a newspaper published and
39 having a general circulation in the county, the certificate of the secretary
40 of state as to the number of potential delegates to each party's national
41 convention. If a newspaper of general circulation is not published in the
42 county, the county clerk shall publish such notice in a newspaper of
43 general circulation published in the nearest Nevada county.

44 SEC. 8. Candidates for delegate shall be selected by one of the follow-
45 ing procedures:

46 1. If the presidential candidate enters his name in the presidential
47 primary election by declaration under the provisions of subsection 1 of
48 section 10 of this act, he shall select delegates, equal in number to the
49 number of potential delegates allotted to his political party, and shall file

1 a list of their names in the office of the secretary of state when he enters
2 his name.

3 2. If a presidential candidate's name is entered in the presidential
4 primary election by committee action under the provisions of subsection
5 2 of section 10 of this act, either the presidential candidate or the com-
6 mittee shall select delegates, equal in number to the number of potential
7 delegates allotted to the political party, and the committee chairman shall
8 file a list of their names in the office of the secretary of state when he
9 enters the presidential candidate's name.

10 3. If a presidential candidate's name is entered in the presidential
11 primary election under the draft provisions of section 11 of this act, the
12 state central committee of the presidential candidate's party, after the
13 results of the presidential primary election are complete, shall select dele-
14 gates, equal in number to the number secured by the candidate in the
15 presidential primary election, and the chairman shall immediately file a
16 list of their names in the office of the secretary of state.

17 SEC. 9. 1. Immediately upon the receipt of the list of delegates pro-
18 vided for in section 8 of this act, the secretary of state shall insure that:

19 (a) All delegates are state-at-large delegates;

20 (b) Each candidate for delegate is registered as a member of the
21 political party whose convention he proposes to attend;

22 (c) The names of delegates from the same county are separated by the
23 name of at least one other delegate if the total number of names is suffi-
24 cient so to permit;

25 (d) Each delegate has consented to submission of his name as a dele-
26 gate for the particular candidate;

27 (e) The delegate who is named first on each list is designated as
28 organizing chairman; and

29 (f) Each delegate's name appears on only one list of delegates.

30 2. The secretary of state may prescribe such regulations as are nec-
31 essary to carry out the provisions of this section.

32 SEC. 10. 1. A presidential candidate may enter his name in a presi-
33 dential primary election by filing in the office of the secretary of state,
34 on or before January 20 in a presidential primary election year, a decla-
35 ration of candidacy in which he states that he is honestly seeking the
36 nomination for President and wishes his name to be entered in the
37 presidential primary election.

38 2. A committee of 10 or more qualified electors may enter the name
39 of a presidential candidate in a presidential primary election by filing in
40 the office of the secretary of state, on or before January 20 in a presi-
41 dential primary election year, a declaration of candidacy on behalf of
42 the candidate in which they state that they believe that he is honestly
43 seeking the nomination for President and that they wish his name to be
44 entered in the presidential primary election.

45 3. A declaration of candidacy filed under subsection 1 or subsec-
46 tion 2 shall be accompanied with a filing fee of \$500 and a list of dele-
47 gates to the national political party nominating convention. The filing fee
48 shall be paid into the general fund of the State of Nevada.

1 4. If the candidate is a resident of Nevada, the declaration of candi-
2 dacy shall also be accompanied with a petition which contains the signa-
3 tures of qualified electors equal to 5 percent of the number of voters who
4 voted at the last preceding general election.

5 SEC. 11. Thirty days before the presidential primary election, the sec-
6 retary of state shall enter in the presidential primary election the name of
7 any presidential candidate which has been entered in one or more presi-
8 dential primary elections in other states of the United States, if the polit-
9 ical party of such candidate is qualified to participate in the presidential
10 primary election under NRS 293.073, and if such candidate's name has
11 not been entered in the presidential primary election in the State of
12 Nevada. The secretary of state shall not enter a name under the provisions
13 of this section if that name would be the only name on the party ballot.

14 SEC. 12. A candidate whose name has been entered in the presidential
15 primary election may withdraw from the election if he files with the secre-
16 tary of state a signed statement that he is not a candidate and is not
17 entered in, and will not enter, any presidential primary election in any
18 other state during the current presidential primary year.

19 SEC. 13. A presidential primary election shall not be held to elect
20 delegates to the national convention of any political party which, on Jan-
21 uary 26 of the presidential primary year, has only one presidential candi-
22 date's name entered in the primary under the provisions of this chapter.
23 If only one name has been entered by any party, the delegates whose
24 names have been filed in his support in the office of the secretary of state
25 shall be declared elected.

26 SEC. 14. Not less than 25 days before the presidential primary elec-
27 tion, the secretary of state shall transmit to each county clerk a certified
28 list containing the names and addresses of the candidates for President
29 who are entitled to be voted for at the presidential primary election and
30 the names and addresses of the delegates filed in support of such candi-
31 dates.

32 SEC. 15. 1. Immediately upon receipt of the certified list of candi-
33 dates and delegates from the secretary of state, each county clerk shall
34 publish in a newspaper having a general circulation in the county, or, in
35 the absence of such a newspaper, shall post in three public places in each
36 precinct within the county a presidential primary notice.

37 2. The presidential primary notice shall be in substantially the follow-
38 ing form:

39
40 NOTICE BY COUNTY CLERK OF THE TIME AND PLACE OF
41 PRESIDENTIAL PRIMARY ELECTION, POLITICAL PAR-
42 TIES ENTITLED TO PARTICIPATE THEREIN, AND
43 NAMES AND ADDRESSES OF CANDIDATES FOR
44 PRESIDENT AND DELEGATES SUPPORTING
45 SUCH CANDIDATES
46

47 Notice is hereby given that a presidential primary election is to be held
48 in the county of on Tuesday, the day of March,
49 19....., and that the political parties entitled to participate therein, the

1 presidential candidates and the delegates supporting such candidates are
2 as follows:

3	.....Party	
4	Candidate	Candidate
5	Name.....	.....
6	Address.....	.....
7	Delegates	Delegates
8	1. Name.....	.....
9	Address.....	.....
10	2. Name.....	.....
11	Address.....	.....
12	Etc.	Etc.
13	.....Party	
14	Etc.	

15 Notice is also hereby given that on presidential primary election day the
16 polls will be open from the hour of a.m. until the hour of p.m., and
17 that during those hours the election will be held at the legally designated
18 polling places in each precinct in the county, which are as follows:

19 City of.....
20 (Name or number of precinct) (Location of polling place)
21 Precinct.....
22 Precinct.....
23 Town of.....
24 Precinct.....
25township (outside of city)
26 Precinct.....
27 Dated this day of, 19.....
28

29
30 County Clerk
31 SEC. 16. 1. On or before February 11 in a presidential primary elec-
32 tion year, each county clerk shall cause a sufficient number of sample
33 ballots for the presidential primary election to be printed in the form
34 prescribed by the secretary of state.

35 2. The county clerk shall mail one copy of the sample ballot to each
36 presidential candidate at the best available address of such candidate.

37 SEC. 17. On or before February 15 of a presidential primary year,
38 each county clerk shall cause a sufficient number of official ballots to be
39 printed on official tinted paper in the form prescribed by the secretary of
40 state.

41 SEC. 18. The secretary of state shall prescribe the form of all ballots
42 for the presidential primary election and shall insure that:

43 1. The name of the political party appears at the top of the ballot;

44 2. The names of all candidates entered in the election under sections
45 10 and 11 appear on the ballot and that the names of delegates do not
46 appear on the ballot;

47 3. The names of presidential candidates entered in the election by
48 declaration under section 10 of this act appear in chronological order
based upon the dates of filing in the office of the secretary of state and

precede the names of presidential candidates entered under the provisions of section 11 of this act;

4. The names of presidential candidates entered in the presidential primary election by the secretary of state under the provisions of section 11 of this act appear in chronological order; and

5. In all other respects the ballots conform as closely as possible to the ballots used in other primary elections.

SEC. 19. A presidential primary election shall be held in each precinct on the 1st Tuesday in March of the year 1972 and every 4 years thereafter.

SEC. 20. 1. A vote for a candidate entered in the presidential primary election under section 10 of this act constitutes a vote for the list of delegates filed with the declaration of candidacy in the office of the secretary of state.

2. A vote for a candidate entered in the presidential primary election under section 11 of this act constitutes a vote for the delegates selected after the presidential primary election under subsection 3 of section 8 of this act.

SEC. 21. 1. On or before the third day after a presidential primary election, the board of county commissioners of each county shall open the returns of votes cast and make abstracts of votes, in such form as the secretary of state shall prescribe by regulation, and shall submit the abstracts of votes to the secretary of state.

2. Immediately upon receiving notice thereof from the appropriate organ of the political party, the chairman of the state central committee of each political party participating in the presidential primary election shall file in the office of the secretary of state a notice in writing stating the actual number of delegates allotted to represent the state at the next national convention of his party. If a chairman of a state central committee fails to file a notice stating the number of delegates, the secretary of state shall ascertain the number from the call for the national convention issued by the national committee of the party.

SEC. 22. Immediately upon receipt of the abstracts of votes from the boards of county commissioners and receipt of the notice of the actual number of delegates from the chairmen of the state central committees, the secretary of state shall:

1. Compile and file in his office a statement of the canvassed returns, which shall show the names of the presidential candidates of each party and the total of votes received by each candidate;

2. Determine, on the basis of the votes cast, and by the method of equal proportions as employed by the United States House of Representatives as of the effective date of this chapter, the number of delegates elected from each list of potential delegates. In determining the number of delegates the secretary of state shall modify the method of equal proportions to the extent that no candidate shall receive a minimum of one delegate for the sole reason of having a delegate list;

3. Determine the names of the elected delegates by designating the first name on each list from which one or more potential delegates were elected and continuing in order until the proper number of names has been designated;

4. Issue to each elected delegate a certificate of election, such potential delegate thereby being elected as delegate to his national party convention.

5. Notify the state central committee of the appropriate party of the number of delegates, if any, to be selected under subsection 3 of section 8 of this act.

SEC. 23. A vacancy occurring in a list of delegates shall be filled:

1. By appointment by the organizing chairman, if the vacancy occurs before a permanent chairman is chosen.

2. By appointment by the permanent chairman if the vacancy occurs after the presidential primary election but before an alternate delegate has been selected.

SEC. 24. 1. If a presidential candidate whose name is entered in the presidential primary election dies:

(a) Before the ballots have been printed, the secretary of state shall cause his name to be omitted from the ballots.

(b) After the ballots have been printed but before the presidential primary election, the secretary of state shall, if time permits, instruct each county clerk that the deceased candidate's name shall be covered wherever it appears on the ballot.

In either case, the presidential primary election shall proceed as if the name of the deceased candidate had not been entered.

2. If a presidential candidate whose name is entered in the presidential primary election dies after the polls open on the day of the presidential primary election, or if his name was not covered pursuant to subsection 1, all votes cast for him shall be distributed by the secretary of state equally to the remaining presidential candidates for his political party in the presidential primary election.

SEC. 25. The delegates to each national party convention elected at the presidential primary election, before leaving the state to attend the convention, shall meet together and select a permanent chairman of the group.

SEC. 26. 1. One alternate delegate for each elected delegate shall be selected by the elected delegate.

2. Except in the event of death or disability of a delegate, an alternate shall not vote in place of a delegate without authorization signed by the regular delegate.

3. An alternate who votes is subject to the duties imposed by sections 27 and 28 of this act upon the delegate whom he replaces.

SEC. 27. Unless and until released, each delegate at the national party convention shall support the candidate in connection with whom his name was filed in the office of the secretary of state, and shall support also that candidate's platform and the platform or policies adopted at the state party convention, but shall give preference to the candidate's platform in case of conflict.

SEC. 28. 1. A delegate or alternate is absolutely released from his duty to support the candidate he represents by:

(a) Formal release by the candidate; or

(b) Nomination of a candidate other than the one supported by the delegate.

2. A delegate or alternate is conditionally released from his duty to support the candidate he represents by failure of the candidate to receive 10 percent or more of the total vote on the third convention ballot, but each delegate shall again support the candidate if he polls 10 percent or more of the total vote on any subsequent ballot, and shall continue to support him until he again fails to receive 10 percent of the total vote.

SEC. 29. 1. The presidential primary election fund account is hereby created. Moneys for this fund account shall be provided by direct legislative appropriation.

2. Within 30 days after each presidential primary election, the secretary of state shall certify to the state controller the amount of expenses incurred by the secretary of state for the printing of ballots and other expenses for the conduct of the presidential primary election, and the state controller shall draw his warrant to pay the claim.

3. Within 60 days after each presidential primary election, the board of county commissioners of each county shall certify to the state controller the amount of expenses incurred for the conduct of the presidential primary election in their county.

4. If the claims of all the counties when added together do not exceed the balance remaining in the presidential primary election fund account after payment of the claim of the secretary of state, the state controller shall draw his warrant to pay to each board of county commissioners the amount of the certified claims.

5. If the claims of all the counties when added together exceed the balance remaining in the presidential primary election fund account, the state controller shall draw his warrant to pay the several boards of county commissioners ratably in proportion to the certified claims.

6. The state controller shall transfer to the general fund in the state treasury any balance remaining in the presidential primary election fund account after payment of the claims of the secretary of state and of the counties.

SEC. 30. NRS 3.190 is hereby amended to read as follows:

3.190 1. The district courts, severally, have original jurisdiction in:

(a) All cases in equity.
(b) All cases at law which involve the title or the right of possession to, or the possession of real property or mining claims, or the legality of any tax, impost, assessment, toll or municipal fine.

(c) All actions to foreclose mechanics' liens.

(d) All cases in which the demand, exclusive of interest, or the value of the property in controversy, exceeds \$300.

(e) All cases relating to the estates of deceased persons, and the persons and estates of minors, idiots and insane persons.

(f) The action of forcible entry and unlawful detainer.

(g) All criminal cases not otherwise provided for by law.

(h) All cases in which election to a public office, including the office of presidential elector [.] and the position of delegate to a political party's national convention to nominate a candidate for President of the United States, is contested, except those offices enumerated in NRS 293.407.

2. They shall also have final appellate jurisdiction in cases arising in justices' courts and such other inferior tribunals as may be established by law.

3. The district courts and the judges thereof shall have power to issue writs of mandamus, injunction, quo warranto, certiorari, and all other writs proper and necessary to the complete exercise of their jurisdiction. They also shall have power to issue writs of habeas corpus, on petition by, or on behalf of, any person held in actual custody in their respective districts.

SEC. 31. NRS 244.090 is hereby amended to read as follows:

244.090 1. Except as provided in subsections 4 and 5, special meetings may be called by the chairman whenever there is sufficient business to come before the board, or upon the written request of a majority of the board.

2. The clerk of the board shall give written notice of each special meeting to each member of the board by personal delivery of the notice of the special meeting to each member at least 1 day before the meeting or by mailing the notice to each member's place of residence in the county or by deposit in the United States mails, postage prepaid, at least 4 days before the meeting.

3. The notice shall specify the time, place and purpose of the meeting. If all of the members of the board are present at a special meeting, lack of notice shall not invalidate the proceedings.

4. When there is in any county, township or precinct office no officer duly authorized to execute the duties thereof, and it is necessary that a temporary appointment be made to fill such office, as otherwise provided by law, the board of county commissioners is authorized and empowered to, and the board shall forthwith, hold a special meeting for such purpose. The meeting may be held by unanimous consent of the board, or, if for any cause such consent cannot be obtained, then the chairman or any other member of the board having knowledge of such necessity shall forthwith call such special meeting and notify the other members thereof. The meeting shall be held as soon as practicable, but not less than 3 days, except by unanimous consent, after actual notice to all members of the board, whereupon a majority thereof shall proceed to act upon such appointment as provided by law.

5. The board shall also meet after each [general] election to canvass election returns in the manner provided by law.

SEC. 32. NRS 245.040 is hereby amended to read as follows:

245.040 1. Sheriffs, county recorders and county auditors, county clerks, county assessors and county treasurers shall keep an office at the county seat of their county which shall be kept open on all days except Sundays and nonjudicial days from 9 a.m. to 12 m., and on all days except Sundays, nonjudicial days and Saturdays from 1 p.m. to 5 p.m. for the transaction of public business, but nothing contained herein shall be construed so as to interfere with any duty now required of any public official under any of the election laws of this state. County clerks shall keep their offices open on all election days during the hours when the polls are open for voting but may, with the consent of the district judge of the county, close their offices for all purposes except election business and the

1 issuance of marriage licenses on any day on which the *presidential pri-*
2 *mary*, primary or general election is held.

3 2. Notwithstanding the provisions of subsection 1, the board of county
4 commissioners of any county may, by an order regularly made and entered
5 in the records of its proceedings, designate the days and hours during
6 which the offices of the sheriff, county recorder and county auditor, county
7 clerk, county assessor and county treasurer shall be kept open for the
8 transaction of public business. Any order so made and entered shall
9 require each office to be kept open for not less than 40 hours during each
10 week, and shall not prevent the county clerk from closing his office for all
11 purposes except election business and the issuance of marriage licenses on
12 primary and general election days as provided in subsection 1.

13 3. Any officer violating the provisions of this section shall be deemed
14 guilty of a misdemeanor, and if any officer mentioned in subsection 1
15 shall absent himself from his office except:

16 (a) When called away from his office by official duties; or

17 (b) When expressly permitted so to do by the board of county com-
18 missioners or a majority of the members thereof in writing; or

19 (c) When he first makes provision to leave his office open for the
20 transaction of public business on the days and during the hours pre-
21 scribed by this section and in charge of a deputy duly qualified to act
22 in his absence,

23 there shall be withheld from his monthly salary that proportion thereof
24 as the number of days of absence bears to the number of days of the
25 month in which such absence occurs. Such sum shall be withheld from
26 payment of salary to the officer for the next succeeding month by order
27 of the board of county commissioners; but no order in the premises shall
28 be made without first giving the officer affected reasonable notice and an
29 opportunity to appear before the board and defend the charge against
30 him.

31 SEC. 33. NRS 293.073 is hereby amended to read as follows:

32 293.073 "Political party" means an organization of voters qualified
33 to participate in a primary election in either of the following ways:

34 1. Any organization of electors which, under a common name or
35 designation at the last preceding general election, polled for any of its
36 candidates a number of votes equal to or more than 5 percent of the
37 total vote cast for Representative in Congress.

38 2. Any organization which, under a common name or designation
39 files a petition with the secretary of state *on or before December 1 pre-*
40 *ceding a presidential primary year* or not less than 60 days prior to any
41 primary election *in a nonpresidential primary year*. The petition shall be
42 signed by a number of qualified electors equal to or more than 5 percent
43 of the [entire number of votes cast at] *number of voters who voted at the*
44 last preceding general election [for Representative in Congress] declar-
45 ing that they represent a political party or principle, the name of which
46 is stated in the petition, and that they desire to participate and nominate
47 candidates in the primary election. The names of the electors need not
48 all be on one petition, but each petition shall be verified by at least one
49 signer thereof to the effect that the signers are qualified electors of the
50 state according to his best information and belief.

1 SEC. 34. NRS 293.163 is hereby amended to read as follows:

2 293.163 1. In presidential election years, on the call of a national
3 party convention, but one set of [party] county conventions and but one
4 state convention *for each party* shall be held on such respective dates and
5 at such places as the state central committee of the party shall designate.
6 If no earlier dates are fixed, the state convention shall be held 30 days
7 prior to the date set for the national convention and the county conven-
8 tions shall be held 60 days prior to the date set for the national con-
9 vention.

10 2. Delegates to such conventions shall be selected in the same manner
11 as prescribed in NRS 293.130 to 293.160, inclusive, except as to time,
12 and each convention shall have and exercise all of the power granted it
13 under NRS 293.130 to 293.160, inclusive. In addition to such powers
14 granted it, the state convention shall, [select the necessary delegates and
15 alternates to the national convention of the party, and,] if consistent with
16 the rules and regulations of the party, [shall] select the national com-
17 mitteeman and committeewoman of the party from the State of Nevada.

18 SEC. 35. NRS 293.165 is hereby amended to read as follows:

19 293.165 1. A vacancy occurring in a party nomination for office,
20 *except a party nomination for the office of President of the United States*
21 *or for the position of delegate to the party's national convention for*
22 *nomination of a candidate for the office of President of the United States,*
23 may be filled by a candidate designated by the appropriate political party
24 central committee of the county or state, as the case may be, where:

25 (a) The nominee dies after the primary election and before the general
26 election.

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

29 2. A vacancy occurring in a nonpartisan nomination after a primary
30 election and before a general election shall be filled by the person who
31 received the next highest vote for such nomination in the primary. If
32 there is no such person, the vacancy may be filled by filing a petition with
33 the proper filing officer designating a candidate and signed by a number
34 of registered voters equal to 5 percent or more of the number of voters
35 who voted at the last preceding general election in the township, county,
36 district or state, as the case may be.

37 3. All designations and petitions provided for in this section shall be
38 filed before 5 p.m. of the 1st Wednesday in October. In each case, the
39 statutory filing fee shall be paid and an acceptance of the nomination
40 or designation shall be filed before 5 p.m. of the 1st Wednesday in
41 October.

42 SEC. 36. NRS 293.170 is hereby amended to read as follows:

43 293.170 1. [Not] *On or before December 1 before a presidential*
44 *primary election, or not less than 60 days before a primary or a general*
45 *election, the county central committee of each political party for each*
46 *county may recommend to the county clerk of such county three regis-*
47 *tered voters for each precinct in the county to act as election board*
48 *officers of the [primary or general] election in such precinct or district.*

49 2. Subsequent to such [date] *dates* the county clerk may accept
50 recommendations for reserve election board officers for such election.

1 SEC. 37. NRS 293.175 is hereby amended to read as follows:
2 293.175 1. Candidates of a political party, *except candidates for*
3 *the office of President of the United States and the office of delegate to*
4 *a party's national convention to nominate a candidate for the office of*
5 *President of the United States*, and candidates for nonpartisan offices
6 shall be nominated at the primary election held in accordance with the
7 provisions of this chapter.
8 2. Independent candidates for partisan office shall be nominated in
9 the manner provided in NRS 293.200.
10 3. This chapter shall not apply to:
11 (a) Special elections to fill vacancies;
12 (b) The nomination of the officers of incorporated cities; or
13 (c) The nomination of district officers whose nomination is otherwise
14 provided for by statute.
15 SEC. 38. NRS 293.176 is hereby amended to read as follows:
16 293.176 No person may be a candidate for a party nomination in any
17 *presidential primary or primary election* if he has changed the designation
18 of his political party affiliation on an official affidavit of registration in the
19 State of Nevada or in any other state since the date of the last primary
20 election in the State of Nevada.
21 SEC. 39. NRS 293.180 is hereby amended to read as follows:
22 293.180 1. Ten or more registered voters may, not earlier than the
23 2nd Monday in June nor later than 5 p.m. on the 2nd Friday in July, file
24 a certificate of candidacy designating any elector as a candidate of any
25 political party for nomination for any partisan elective office, *except the*
26 *office of President of the United States and the office of delegate to a*
27 *party's national convention to nominate a candidate for the office of Pres-*
28 *ident of the United States*, or as a candidate for nomination for any non-
29 partisan office. When such certificate has been filed, the officer in whose
30 office it is filed shall notify the elector named in such certificate. If the
31 elector named in the certificate files an acceptance of such candidacy and
32 pays the required fee, as provided by law, he shall be a candidate in the
33 primary election in like manner as if he had filed a declaration of candi-
34 dacy.
35 2. If any such certificate of candidacy relates to a partisan office, all
36 of the signers shall be of the same political party as the candidate desig-
37 nated.
38 SEC. 40. NRS 293.185 is hereby amended to read as follows:
39 293.185 The declaration of candidacy, the certificate of candidacy
40 and the acceptance of candidacy *in a primary or general election* shall be
41 filed during regular office hours, as follows:
42 1. For United States Senator, Representative in Congress, state
43 offices, state senators and assemblymen to be elected from districts com-
44 prising more than one county, and all other offices whose districts com-
45 prise more than one county, with the secretary of state.
46 2. For district offices voted for wholly within one county, state sen-
47 ators and assemblymen to be elected from districts comprising but one
48 or part of one county, county and township officers, with the county
49 clerk.

1 SEC. 41. NRS 293.193 is hereby amended to read as follows:
2 293.193 1. Fees as listed in this section for filing declarations of
3 candidacy or acceptances of candidacy *in a primary or general election*
4 shall be paid to the filing officer by cash, cashier's check or certified check.
5 United States Senator..... \$250
6 Representative in Congress..... 150
7 Governor..... 150
8 Justice of the supreme court..... 150
9 Any state office, other than governor or justice of the
10 supreme court..... 100
11 Any district office..... 75
12 Any county office..... 40
13 State senator..... 30
14 Assemblyman..... 15
15 Justice of the peace, constable or other town or township
16 office..... 10
17 2. No filing fee shall be required from a candidate for an office the
18 holder of which receives no compensation.
19 SEC. 42. NRS 293.205 is hereby amended to read as follows:
20 293.205 On or before the 1st Wednesday in ~~July~~, *January*, the
21 county clerk shall establish election precincts, define the boundaries
22 thereof, abolish, alter, consolidate and designate precincts as public con-
23 venience, necessity and economy may require in accordance with NRS
24 293.207 to 293.215, inclusive.
25 SEC. 43. NRS 293.247 is hereby amended to read as follows:
26 293.247 1. The secretary of state shall promulgate rules and regu-
27 lations, not inconsistent with the election laws of this state, for the con-
28 duct of ~~primary and general~~ elections in all counties.
29 2. Such regulations shall prescribe:
30 (a) The duties of election boards;
31 (b) The type and amount of election supplies;
32 (c) The manner of printing ballots and the number of such ballots to
33 be distributed to precincts and districts;
34 (d) Standards for voting machines;
35 (e) The manner of preparing, inspecting and placing voting machines;
36 (f) The disposition and custody of voting machines, voting machine
37 keys, and voting booths;
38 (g) The method to be used in distributing ballots to precincts and
39 districts;
40 (h) The method of inspection and the disposition of ballot boxes;
41 (i) The form and placement of instructions to voters;
42 (j) The recess periods for election boards;
43 (k) The size, lighting and placement of voting booths;
44 (l) The amount and placement of guardrails and other furniture and
45 equipment at voting places;
46 (m) The disposition of election returns; and
47 (n) Such other matters as determined necessary by the secretary of
48 state.
49 3. The secretary of state shall prepare and distribute to county clerks
50 the election officer's digest and instructions for election boards.

1 SEC. 44. NRS 293.257 is hereby amended to read as follows:
2 293.257 1. There shall be a separate [primary] ballot for each
3 political party *participating in a primary or presidential primary election*
4 *and there shall be a separate nonpartisan [primary] ballot [.] in pri-*
5 *mary elections.*
6 2. The names of candidates for partisan offices who have designated
7 a political party in [the] a declaration of candidacy or acceptance of
8 candidacy shall appear *in a primary or presidential primary election* on
9 the [primary] ballot of the political party designated.
10 3. The names of candidates for nonpartisan offices shall appear on
11 all political party [primary] ballots and ballot labels *in a primary elec-*
12 *tion* and on nonpartisan ballots and ballot labels.
13 SEC. 45. NRS 293.260 is hereby amended to read as follows:
14 293.260 1. Where there is no contest for nomination to a particular
15 office, neither the title of the office nor the name or names of the candi-
16 dates shall appear on the ballot.
17 2. If only one political party has candidates for an office or offices,
18 the candidates of such party who receive the highest number of votes at
19 such primary [.] election, not to exceed twice the number to be elected
20 to such office or offices at the general election, shall be declared the
21 nominees for the office or offices.
22 3. Where no more than the number of candidates to be elected have
23 filed for nomination for any office, the names of such candidates shall be
24 omitted from all primary election ballots and placed on all general elec-
25 tion ballots.
26 SEC. 46. NRS 293.263 is hereby amended to read as follows:
27 293.263 On political party [primary] ballots *for primary elections*
28 the name of the particular political party shall appear at the top of the
29 ballot. Following this designation shall appear the names of candidates
30 grouped alphabetically under the title of the partisan office for which
31 such candidates filed. Following the names of candidates for partisan
32 offices shall appear the designation "Candidates for nonpartisan offices"
33 and the names of candidates grouped alphabetically under the title of the
34 nonpartisan office for which such candidate filed.
35 SEC. 47. NRS 293.270 is hereby amended to read as follows:
36 293.270 Voting at [any primary or general] an election shall be on
37 printed ballots or voting machine ballot labels.
38 SEC. 48. NRS 293.287 is hereby amended to read as follows:
39 293.287 1. A registered voter applying to vote at any *presidential*
40 *primary or primary election* shall give his political affiliation, if any, to
41 the election board officer in charge of the election board register, and
42 such officer shall immediately announce the name and political affiliation.
43 2. Any person's right to vote may be challenged by any registered
44 voter upon any of the grounds allowed for a challenge in NRS 293.303
45 or on the ground that the person applying does not belong to the political
46 party designated upon the register, or that the register does not show
47 that he designated the political party to which he claims to belong.
48 3. Any such challenge shall be disposed of in the manner provided
49 by NRS 293.303.
50 4. When the election board is satisfied as to the name, political

1 affiliation and identity of the registered voter, the board shall issue the
2 proper party or nonpartisan ballot or admission authority.
3 SEC. 49. NRS 293.313 is hereby amended to read as follows:
4 293.313 1. Any registered voter may vote an absent ballot as pro-
5 vided in this chapter if, on the day of voting at any [general or primary]
6 election, he is or expects to be:
7 (a) Absent from the precinct or district in the county of his residence
8 because of the nature of his vocation, business or any other unavoidable
9 cause.
10 (b) Unable, because of illness or physical disability, to go to the poll-
11 ing place; or
12 (c) In the service of the United States.
13 2. The spouses and dependents of any voter referred to in subsection
14 1 may vote in the same manner as such voter if, by reason of the services
15 of such voter, they are required to reside beyond the boundaries of the
16 state.
17 SEC. 50. NRS 293.343 is hereby amended to read as follows:
18 293.343 1. A registered voter who resides in an election precinct in
19 which there were not more than 200 voters registered for the last preced-
20 ing general election, or in a precinct in which it appears to the satisfaction
21 of the county clerk that there are not more than 200 registered voters,
22 may vote at [primary and general] elections in the manner provided in
23 NRS 293.345 to 293.355, inclusive.
24 2. Whenever the county clerk has designated a precinct as a mailing
25 precinct, registered voters residing in such precinct may vote at [primary
26 and general] elections in the manner provided in NRS 293.345 to
27 293.355, inclusive.
28 SEC. 51. NRS 293.345 is hereby amended to read as follows:
29 293.345 The county clerk shall mail to each registered voter in each
30 mailing precinct and in each absent ballot mailing precinct, before 5 p.m.
31 on the 4th Thursday in August and before 5 p.m. on the 4th Tuesday in
32 October of any year in which a general election is to be held, *and before*
33 *5 p.m. on the 4th Thursday in February of any year in which a presiden-*
34 *tial primary election is to be held*, an official mailing ballot to be voted
35 by him at such election.
36 SEC. 52. NRS 293.387 is hereby amended to read as follows:
37 293.387 1. As soon as the returns from all the precincts and dis-
38 tricts in any county have been received by the board of county commis-
39 sioners such board shall meet and proceed to canvass the returns. The
40 canvass shall be completed on or before the 10th day following the elec-
41 tion.
42 2. In making its canvass, the board of county commissioners shall
43 note separately any clerical errors discovered, and shall take account of
44 the changes resulting from such discovery, so that the result declared will
45 represent the true vote cast.
46 3. The county clerk shall, as soon as the result is declared, enter upon
47 the records of such board an abstract of the result, which shall contain the
48 number of votes cast for each candidate. The board of county commis-
49 sioners, after making such abstract of votes, shall cause the county clerk,
50 by an order made and entered in the minutes of its proceedings, to make

1 a copy of such abstract and transmit the same to the secretary of state
2 within 10 days after the day of election.

3 4. The secretary of state shall, immediately after any primary [.]
4 election, compile the returns for all candidates voted for in more than one
5 county. He shall make out and file in his office an abstract thereof, and
6 shall certify to the county clerk of each county the name of each person
7 nominated, and the name of the office for which he is nominated.

8 SEC. 53. NRS 293.400 is hereby amended to read as follows:

9 293.400 1. If, after the completion of the canvass of the returns of
10 any election, *except a presidential primary election*, two or more persons
11 receive an equal and the highest number of votes, the winner shall be
12 determined as follows:

13 (a) For United States Senator, member of Congress, district or state
14 office, the legislature shall, by joint vote of both houses, elect one of
15 such persons to fill the office.

16 (b) For any office of a county, township, incorporated city, city
17 organized under a special charter where such charter is silent as to
18 determination of a tie vote, or district which is wholly located within one
19 county, the county clerk shall summon the candidates who have received
20 the tie votes to appear before him at a time and place designated by him
21 and determine the tie by lot. If the tie vote is for the office of county
22 clerk, the board of county commissioners shall perform the above duties.

23 2. The summons mentioned in this section shall in every case be
24 mailed to the address of the candidate as it appears upon his affidavit
25 of registration at least 5 days before the day fixed for the determination
26 of the tie vote and shall contain the time and place where such determina-
27 tion will take place.

28 3. The right to a recount provided in NRS 293.403 shall extend to
29 both candidates in case of a tie.

30 SEC. 54. NRS 293.413 is hereby amended to read as follows:

31 293.413 1. The statement of contest provided for in NRS 293.407
32 shall be filed with the clerk of the district court no later than 5 days
33 after a recount is completed, and no later than 14 days after the election
34 if no recount is demanded. The parties to a contest shall be denominated
35 contestant and defendant.

36 2. The court shall set the matter for hearing not less than 5 days nor
37 more than 10 days after the filing of the statement of contest [.] *except*
38 *that for contests concerning presidential primary elections, the court shall*
39 *set the matter for hearing not more than 3 days after the filing of the*
40 *statement of contest.* Election contests shall take precedence over all
41 regular business of the court in order that results of elections shall be
42 determined as soon as practicable.

43 3. The court may refer the contest to a special master in the manner
44 provided by the Nevada Rules of Civil Procedure, and such special
45 master shall have all powers necessary for a proper determination of the
46 contest.

47 SEC. 55. NRS 293.443 is hereby amended to read as follows:

48 293.443 1. The expense of providing all ballots, forms and other
49 supplies to be used at any [primary or general] election and all expenses
50 necessarily incurred in the preparation for, or the conduct of, any such

1 election shall be a charge upon the municipality, county, district or state,
2 as the case may be.

3 2. The cost of printing ballots shall not exceed the sum of \$80 per
4 thousand or fraction thereof for the first two thousand ballots printed and
5 \$40 for each additional thousand printed.

6 3. The county clerk may submit such printing for competitive
7 bidding.

8 SEC. 56. NRS 293.470 is hereby amended to read as follows:

9 293.470 Only voting machines or devices approved by the secretary
10 of state may be used in any [general or primary] election.

11 SEC. 57. NRS 293.473 is hereby amended to read as follows:

12 293.473 Each voting machine shall:

13 1. Secure to the voter secrecy in the act of voting.

14 2. Provide facilities for voting for the candidates of as many political
15 parties or organizations as may make nominations and for or against
16 measures.

17 3. Permit the voter to vote for any person for any office that he has
18 the right to vote for, but no other.

19 4. Except at *presidential primary elections* or primary elections, per-
20 mit the voter to vote for all the candidates of one party or in part for
21 the candidates of one party and in part for the candidates of one or
22 more other parties.

23 5. Permit the voter to vote for as many persons for an office as he
24 is lawfully entitled to vote for, but no more.

25 6. Prevent the voter from voting for the same person more than
26 once for the same office.

27 7. Permit the voter to vote for or against any measure he may have
28 the right to vote on, but no other.

29 8. Correctly record all votes cast for any and all candidates and
30 for or against any and all questions.

31 9. Be so equipped that the election officials can lock out all rows
32 except those of the voter's party by a single adjustment on the outside
33 of the machine.

34 10. Be provided with a lock or locks by which all operation of the
35 recording mechanism can be prevented as soon as the polls are closed.

36 11. Be provided with a protective counter, whereby any operation
37 or tampering with the machine before or after the election will be
38 detected. The protective counter shall be so constructed and so con-
39 nected that it cannot be reset, altered or operated, except by operating
40 the machine.

41 12. Be provided with a public counter which shall show at all times
42 during an election how many persons have voted.

43 13. Be provided with a mechanical model, suitable for the instruction
44 of voters, illustrating the manner of voting on the machine.

45 14. Provide in the general election for grouping, under the name
46 of the office to be voted on, all the candidates for the office with the
47 designation of the parties, if any, by which they were nominated. The
48 party designation may be by usual or reasonable abbreviation.

1 SEC. 58. NRS 293.475 is hereby amended to read as follows:
2 293.475 The voting devices for candidates at *presidential primary*
3 *and* primary elections shall be arranged in separate parallel lines, one
4 or more lines for each party, and in parallel office rows transverse thereto.
5 SEC. 59. NRS 293.540 is hereby amended to read as follows:
6 293.540 The county clerk shall cancel an affidavit of registration:
7 1. If he has personal knowledge of the death of the person registered,
8 or if an authenticated certificate of the death of any elector is filed in his
9 office.
10 2. If the insanity of the person registered is legally established.
11 3. Upon the production of a certified copy of the judgment of con-
12 viction of the person registered of a felony.
13 4. Upon the production of a certified copy of the judgment of any
14 court directing the cancellation to be made.
15 5. Upon the request of any registered voter to affiliate with any
16 political party, or to change his affiliation, if such change is made before
17 the end of the last day for filing declarations of candidacy for a *presi-*
18 *dential primary election* or primary election.
19 6. Upon the request of any registered voter who has changed his
20 name, if such voter satisfies the registrar that such change has been
21 legally effected.
22 7. At the request of the person registered.
23 8. When any registered voter fails to vote in any general election.
24 9. When he has discovered an incorrect registration pursuant to NRS
25 293.530.
26 SEC. 60. NRS 293.557 is hereby amended to read as follows:
27 293.557 1. At least 90 days prior to the closing of registration for
28 any election, the county clerk shall prepare and date an alphabetical list
29 of the persons whose names remain on the county clerk's register of
30 each precinct and district. He shall cause to be published once in each
31 of the newspapers circulated in different parts of the county a list of all
32 registered voters, segregated by precincts or districts, within the circula-
33 tion area of each newspaper, or cause to be published once in a news-
34 paper circulated in the county a segregated listing for the entire county:
35 (a) At least 75 days before any *presidential primary election* or pri-
36 mary election.
37 (b) After each *presidential primary election* and primary election and
38 not less than 2 weeks before the close of registration for the ensuing
39 general election.
40 2. The county may not pay more than 10 cents per name to each
41 newspaper publishing the list.
42 SEC. 61. NRS 293.560 is hereby amended to read as follows:
43 293.560 1. Registration shall close at 9 p.m. of the seventh Saturday
44 preceding any *presidential primary election* or primary election and at
45 9 p.m. on the sixth Saturday preceding any general election.
46 2. During the last 5 days before registration closes, registration
47 offices shall be open from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m.,
48 including Saturdays.

1 3. The county clerk of each county shall publish in a newspaper
2 having a general circulation in the county a notice signed by him indi-
3 cating the day that registration will be closed. If no such newspaper is
4 published in the county, then such publication may be made in a news-
5 paper of general circulation published in the nearest Nevada county.
6 4. Such notice shall be published once each week for 4 consecutive
7 weeks next preceding the close of registration for any election.
8 5. At least 15 days before the time when the county clerk's register is
9 closed for any election, the county clerk shall mail a copy of such notice
10 to deputy registrars, to be posted in a conspicuous place in each voting
11 precinct outside incorporated cities and in which there is no newspaper of
12 general circulation.
13 SEC. 62. NRS 293.565 is hereby amended to read as follows:
14 293.565 On or before February 15 in a *presidential primary election*
15 year and on or before the 4th Monday in August preceding a primary
16 election and on or before the 4th Monday in October preceding a general
17 election, the county clerk shall cause to be mailed to each registered voter
18 in the county a sample ballot for his precinct with a notice informing such
19 voter of the location of his polling place.
20 SEC. 63. NRS 293.567 is hereby amended to read as follows:
21 293.567 Not later than the second Friday next preceding the *presi-*
22 *dential primary*, primary or general election, the county clerk shall ascer-
23 tain by precinct and district the number of registered voters in the county
24 and their political affiliation, if any, and transmit such information to the
25 secretary of state.
26 SEC. 64. Chapter 293 of NRS is hereby amended by adding thereto
27 the provisions set forth as sections 65 and 66 of this act.
28 SEC. 65. "*Presidential primary election*" means the election on the
29 1st Tuesday in March at which delegates to the national political party
30 nominating conventions which nominate candidates for President of the
31 United States are elected.
32 SEC. 66. "*Presidential primary year*" means any year in which a *Presi-*
33 *dent of the United States* is to be elected.
34 SEC. 67. NRS 11.240 is hereby repealed.
35 SEC. 68. There is hereby appropriated from the general fund in the
36 state treasury to the presidential primary election fund account the sum
37 of \$140,000 for the biennium beginning July 1, 1971, and ending June
38 30, 1973.

LEGISLATIVE HEARINGS

MINUTES AND EXHIBITS

There are no minutes for this committee.

Senate Bill No. 490.

Bill read third time.

Roll call on Senate Bill No. 490:

YEAS—15.

NAYS—Fransway.

Absent—Dodge, Lamb, Pozzi—3.

Not voting—Harris.

Senate Bill No. 490 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 704.

Bill read third time.

Roll call on Assembly Bill No. 704:

YEAS—18.

NAYS—None.

Absent—Lamb, Pozzi—2.

Assembly Bill No. 704 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 200.

Bill read third time.

Remarks by Senator Monroe.

Roll call on Assembly Bill No. 200:

YEAS—17.

NAYS—None.

Absent—Fransway, Lamb, Pozzi—3.

Assembly Bill No. 200 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 33.

Bill read third time.

Remarks by Senators Young and Hug.

Roll call on Assembly Bill No. 33:

YEAS—18.

NAYS—None.

Absent—Lamb, Pozzi—2.

Assembly Bill No. 33 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Brown moved that the Senate recess until 4:30 p.m.

Seconded by Senator Monroe.

Motion carried.

Senate in recess at 3:49 p.m.

SENATE IN SESSION

At 4:36 p.m.

President Fike presiding.

Quorum present.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 4:09 p.m.

ASSEMBLY IN SESSION

At 4:18 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 209, 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRYAN K. HAFEN, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 540, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

R. HAL SMITH, *Chairman*

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 90, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Amendment No. 12C, which is attached to and hereby made a part of this report. Amendment No. 12C.

Amend sec. 4, page 3, by deleting lines 17 and 18 and inserting: "state under NRS 7.260, 41.037, 176.215, 176.485, 177.345, 179.310, 212.040, 212.050, 212.070, 213.153, 214.040 and 353.120 [.] , and section 6".

JAMES I. GIBSON, *Chairman*
ARCHIE POZZI
Senate Committee on Conference

ROY YOUNG, *Chairman*
LAWRENCE E. JACOBSEN
NORMAN D. GLASER
Assembly Committee on Conference

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Roy Young moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 90.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 200, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Amendment No. 13C, which is attached to and hereby made a part of this report. Amendment No. 13C.

Amend sec. 52, page 15, line 40, by deleting "10th" and inserting "15th".

Amend sec. 52, page 15, by deleting lines 42 and 43 and inserting:

"2. In making its canvass, the board of county commissioners shall:

(a) Note separately any clerical errors discovered;

(b) In counties where voting machines are used, note and correct any discrepancies discovered by the county clerk in the statements of votes submitted by the precinct election boards; and

(c) Take account of".

Amend the bill as a whole by adding a new section after line 38 on page 19, designated section 69, to read as follows:

"Sec. 69. This act shall become effective at 12:01 a.m. on July 1, 1969."

FLOYD R. LAMB, *Chairman*
JOHN FRANSWAY
Senate Committee on Conference

MARY FRAZZINI, *Chairman*
BART M. SCHOUWEILER
NORMAN TY HILBRECHT
Assembly Committee on Conference

MOTIONS, RESOLUTIONS, AND NOTICES

Mrs. Frazzini moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 200.

Remarks by Mrs. Frazzini.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 487, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Committee on Conference, to consist of three members, for the further consideration of the bill.

M. J. CHRISTENSEN, *Chairman*
CLIFF YOUNG
PROCTER R. HUG
Senate Committee on Conference

HARRY M. REID, *Chairman*
RICHARD H. BRYAN
T. M. KEAN
Assembly Committee on Conference

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Reid moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 487.

Remarks by Mr. Reid.

Motion carried.

Mr. Speaker appointed Messrs. Schouweiler, Fry, and Prince as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 487.

REPORTS OF COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 362, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendments of the Assembly be concurred in.

WARREN L. MONROE, *Chairman*
CARL F. DODGE
PROCTER R. HUG
Senate Committee on Conference

ROY L. TORVINEN, *Chairman*
LESLIE MACK FRY
RICHARD H. BRYAN
Assembly Committee on Conference

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Torvinen moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 362.

Remarks by Mr. Torvinen.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 136, consisting of the undersigned members, has met, and reports that:

MOTIONS, RESOLUTIONS, AND NOTICES

Senator Monroe moved that the Senate adopt the report of the first Committee on Conference concerning Senate Bill No. 362.

Seconded by Senator Manning.

Motion carried.

UNFINISHED BUSINESS

Mr. President:

The first Committee on Conference concerning Senate Bill No. 136, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendments of the Assembly be receded from.

WARREN L. MONROE, *Chairman*
ARCHIE POZZI, JR..
HELEN HERR
Senate Committee on Conference

KEITH ASHWORTH, *Chairman*
MELVIN B. HOWARD
NORMAN D. GLASER
Assembly Committee on Conference

MOTIONS, RESOLUTIONS, AND NOTICES

Senator Monroe moved that the Senate adopt the report of the first Committee on Conference concerning Senate Bill No. 136.

Seconded by Senator Manning.

Motion carried.

UNFINISHED BUSINESS

Mr. President:

The first Committee on Conference concerning Assembly Bill No. 200, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendments of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Amendment No. 13C which is attached to and hereby made a part of this report.

Amendment No. 13C (resolves conflict with A. B. 786).

Amend sec. 52, page 15, line 40, by deleting "10th" and inserting "15th".

Amend sec. 52, page 15, by deleting lines 42 and 43 and inserting:

"2. In making its canvass, the board of county commissioners shall:

(a) Note separately any clerical errors discovered;

(b) In counties where voting machines are used, note and correct any discrepancies discovered by the county clerk in the statements of votes submitted by the precinct election boards; and

(c) Take account of".

Amend the bill as a whole by adding a new section after line 38 on page 19, designated section 69, to read as follows:

"Sec. 69. This act shall become effective at 12:01 a.m. on July 1, 1969."

FLOYD R. LAMB, *Chairman*
JOHN FRANSWAY
EMERSON TITLOW
Senate Committee on Conference

MARY FRAZZINI, *Chairman*
BART M. SCHOUWEILER
NORMAN TY HILBRECHT
Assembly Committee on Conference

MOTIONS, RESOLUTIONS, AND NOTICES

Senator Gibson moved that the Senate adopt the report of the first Committee on Conference concerning Assembly Bill No. 200.

Seconded by Senator Manning.

Motion carried.

Senator Swobe moved that the vote whereby Assembly Bill No. 99 was defeated be rescinded.

Assembly Bill No. 513.

The following Senate amendment was read:

Amendment No. 2510.

Amend section 1, page 1, by deleting lines 6 through 9 and inserting: "and his actual travel expenses in criminal cases. He shall pay to the county treasurer on or before the 5th".

Amend section 1, page 1, by deleting lines 17 and 18 and inserting: "All fees".

Amend section 1, page 2, by deleting lines 2 through 4 and inserting: "assessor shall receive an annual salary of \$8,400."

Amend section 1, page 2, by deleting lines 8 through 10 and inserting: "county treasurer shall receive an annual salary of \$8,400."

Amend section 1, page 2, by deleting lines 12 through 14 and inserting: "strict attorney shall receive an annual salary of \$8,400. He shall be allowed his actual expenses when called".

Amend section 1, page 2, by deleting lines 18 through 20 and inserting: "county commissioner shall receive an annual salary of \$3,450."

Amend the bill as a whole by adding a new section after line 37, on page 2, designated section 5, to read as follows:

"Sec. 5. This act shall become effective on July 1, 1969, and shall expire by limitation at 12 p.m. on January 3, 1971."

Mr. Getto moved that the Assembly concur in the Senate amendment to Assembly Bill No. 513.

Motion carried.

Bill ordered enrolled.

Mr. Speaker pro Tempore announced that if there were no objections, the Assembly would recess for 1 minute.

Assembly in recess at 11:50 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA

EXECUTIVE CHAMBER

CARSON CITY, NEVADA, April 23, 1969

Special Message to the Legislature:

DEAR SPEAKER MCKISSICK: Assembly Bill 200, creating a Presidential Primary in Nevada, has been brought to my attention.

I find no fault whatsoever with the concept of giving the people of Nevada a primary election in which to express their choice of the President of the United States. I have felt for some time that the Convention method of selecting delegates very often does not accurately reflect the will of the people.

However, aspects of this bill are objectionable.

It does not appear to be wise to force the people of this State to make a choice of National leader so far before the election when the issues are far from clear definition that a valid foundation for choice is lacking.

Moreover, it would be unseemly for Nevada to break the long standing traditions involved in the early primaries of other states and precipitate a futile race for the earliest primary solely for the purpose of being first. It is not inconceivable that Nevada, having initiated the first primary would find another state changing its

election to a date prior to ours. New Hampshire, which has had a long tradition of being "first" in National primaries, has already indicated it would change its date.

Therefore, I would advise you that unless the primary date in A. B. 200 is set back to a later date closer to the election to enable our people the opportunity for studying the issues developed, I have no alternative to vetoing this Bill.

It would seem that our primary date should approximate California's. Then national candidates could consolidate campaigns thereby giving Nevada voters a far greater view of the campaign.

Respectfully,

PAUL LAXALT
Governor of Nevada

STATE OF NEVADA
EXECUTIVE CHAMBER

CARSON CITY, NEVADA, April 23, 1969

DEAR HOWARD: A. B. 792 and S. B. 542 both concerning local governments have come to my attention.

I am deeply disturbed that this legislation can result in absorption of local government without the consent of the people involved.

Specifically, I make reference to areas such as North Las Vegas, Boulder City, Henderson, Sparks, etc.

To sacrifice City Halls and Court Houses under the banner of efficiency without the vote of the people directly involved is contrary to our basic belief that the people should have a voice in the destiny of their government.

If one subscribes to the philosophy of the proposal, it is easy to project the swallowing up of less populated counties and, indeed, state houses, by others without the consent of the people directly involved.

I oppose this tendency of removing local government from the people without their consent.

On the other hand, the study aspects of this legislation are quite proper and acceptable, including consolidation of services where warranted.

Unquestionably the possible benefits and/or problems of consolidation should be examined thoroughly and then made known to the people involved.

Some have suggested there is strong feeling in many of the communities involved in favor of consolidation. If this is the case, after the facts are presented, then certainly the people will vote their approval.

I therefore respectfully request that you consider amendments of these bills which would provide for a separate approving vote of each political subdivision involved.

Without these suggested amendments I will be compelled to veto the measures.

I am sending this message before conclusion of the current legislative session in the hope that the necessary changes will be made and thus the beneficial study aspects of this bill will not be lost for two years.

Your consideration of this proposal is respectfully requested.

Sincerely,

PAUL LAXALT
Governor of Nevada

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 308.

The following Senate amendment was read:

Amendment No. 2514.

Amend section 1, page 1, line 4, by deleting the open bracket.

Amend section 1, page 1, line 8, by deleting "\$2,640." and inserting "\$2,640.] \$3,000."

Amend section 1, page 1, line 10, by deleting "\$6,600.]" and inserting "\$6,600.] \$7,600."

Amend section 1, page 1, by deleting lines 11 through 23.

Amend section 1, page 2, by deleting lines 1 through 6.

REMARKS FROM THE FLOOR

Mr. Hilbrecht requested that his remarks be entered in the Journal:

Mr. Speaker and Members of the Assembly:

We have just heard a couple of messages from the Governor's Office and I would like to direct a few brief comments to these messages which deal directly with two measures in which I have been actively participating during this session. With respect to Assembly Bill No. 200, the Presidential Primary bill, I believe it important that the Members of the Assembly know that yesterday, at approximately 10:15 a.m., I had a conference with the Governor at which time we discussed this measure. At that time the Governor expressed his only serious concern to be the possibility of a resort oriented state such as ours being unable to withstand the glare of publicity attendant to being the earliest primary in the nation. We discussed this for some time and the Governor expressed that some of the considerations I brought to bear allayed many of his fears. In the afternoon, however, I was summoned to the Governor's Office where I was presented with a telegram signed by Marshall W. Cobleigh, House Speaker of the State of New Hampshire in which he recites that if we should change our presidential primary date (evidently he is under the erroneous impression that we already have a presidential primary), they would also change theirs. I was asked by the Governor to consider this with the Elections Committee which had initially reported out Assembly Bill No. 200. With the help of Mrs. Frazzini, Vice Chairman of the committee, I polled the Members present in this House and their unanimous suggestion was that we do not recede from the date established in Assembly Bill No. 200 which would give this State a primary only one week before New Hampshire's. If the State of New Hampshire desires to make a change, that is certainly their prerogative. When I later reported to the Governor, I stated the committee's feeling that perhaps this would obviate his then only expressed objection to this measure, namely that we would be under the glare of publicity being the earliest primary in the United States, because we now had some tangible indication that ours would not be the earliest primary in the United States.

In all due respect to the Governor's remarks contained in his message to this House, I believe another consideration is very significant to the voters of Nevada: That is giving the people of this State a voice in the procedure by which a president is selected before all the decisions have already been made by the more populous states of this Union. The small states as ours have only an insignificant vote strength in the conventions and later in the actual selection of the president. If they are to have a significant voice, they must have it early, and I am sure the actions of New Hampshire in the past have indicated the significance of this factor.

Voters of America are faced with a two-pronged futility and only one is dealt with in the Governor's message. The frustration of not having any voice in the selection of delegates is only one. For a small and lightly populated area such as this, an even more significant frustration is recognizing that your vote is too small to be heard. This can only be satisfied by the forward steps suggested in Assembly Bill No. 200. I do not say that Nevada must be the first to have its voice heard, but it must be one of the first because of the fact of our sparse population and insignificant voting strength.

Furthermore, I state that retaining the present date in Assembly Bill No. 200 will have a most laudatory effect on the entire western region of the United States by virtue of giving a more precise indication of how western America feels at a far earlier date than could be had by following the Governor's suggestion. This is so because we are a very true indication of what would happen in our sister State of California, for example, with the largest population concentration in America. For these reasons I would have to suggest that the Governor reconsider the statements in his message and I would hope that another message would follow dealing with these additional very significant considerations which have been debated up and down the halls of this Legislature.

Perhaps the most objectionable feature of this bill is its introducer. I have certainly not supported the Governor in all his program, but I have attempted to do my job as a legislator and assisted those portions of the program which I felt deserved help and support. This is tangibly evidenced by the legislation I have helped to sponsor and get through committees of this House. I deeply regret that my political affiliation may have affected the Governor's actions.

JOURNAL OF THE ASSEMBLY

FIFTY-FIFTH SESSION

1113

I suggest before this House takes any action in connection with this message, I have an opportunity to discuss with the Governor, again, his objections to Assembly Bill No. 200.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Select Committee of the Assemblymen from the Washoe-Storey Counties' Districts, to which was referred Assembly Bill No. 804, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BART M. SCHOUWEILER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 23, 1969

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 87 and requests a second conference, and appointed Senators Gibson, Christensen, and Hecht as a second Committee on Conference to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 87.

LEOLA H. ARMSTRONG
Secretary of the Senate

Mr. Torvinen moved that the Assembly recess until 1:30 p.m.
Motion carried.

Assembly in recess at 12:23 p.m.

ASSEMBLY IN SESSION

At 1:50 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 427.

The following Senate amendment was read:

Amendment No. 2493.

Amend section 1, page 1, line 7, by deleting "\$13,500" and inserting "\$11,000".

Amend section 1, page 1, line 9, by deleting "\$15,100" and inserting "\$12,400".

Amend section 1, page 1, line 11, by deleting "\$13,500" and inserting "\$11,000".

Amend section 1, page 1, line 15, by deleting "\$13,500" and inserting "\$11,000".

Amend sec. 1, page 1, line 16, by deleting "\$14,700" and inserting "\$12,000".

Amend sec. 1, page 1, line 19, by deleting "\$13,500" and inserting "\$11,000".

Amend section 1, page 1, line 21, by deleting "\$4,500" and inserting "\$4,200".

Mr. Glaser moved that the Assembly concur in the Senate amendment to Assembly Bill No. 427.

Research Library Note:

The Research Library does not have a copy of Assembly Bill 200 as enrolled.

To read the enrolled version of Assembly Bill 200 one needs to incorporate the provisions of Amendment No. 13C into the second reprint.

See Floor Action below:

- April 19, 1969: First Committee on Conference appointed by Senate and Assembly.
- April 20, 1969: Assembly concur in Senate amendment, and further amend.
See Amendment No. 13C.
First Conference Report adopted by Assembly.
- April 21, 1969: First Conference Report adopted by Senate.
Assembly Bill 200 sent to enrollment for final printing.
- April 24, 1969: Enrolled version of Assembly Bill 200 delivered to Governor.
- April 29, 1969: Assembly Bill 200 vetoed by the Governor.
Return to 1971 Legislature.

VETOED ASSEMBLY BILLS OF THE 55TH SESSION**A. B. 200 of the 55th Session—Hilbrecht.**

Summary—Creates presidential primary election. (BDR 24-1330)
Jan. 18—Received from the Secretary of State. Made Special Order of Business for Tuesday, January 26, 1971, at 10 a.m.
Jan. 26—Bill read. Veto sustained.

A. B. 449 of the 55th Session—Reid and McKissick.

Summary—Provides right of contribution for joint tortfeasors. (BDR 2-1250)
Jan. 18—Received from Secretary of State. Made Special Order of Business for Tuesday, January 26, 1971, at 10 a.m.
Jan. 26—Bill read. Veto sustained.

A. B. 792 of the 55th Session—Committee on Government Affairs.

Summary—Requires creation of special committee to study local government problems in Clark County. (BDR S-2026)
Jan. 18—Received from the Secretary of State. Made Special Order of Business for Tuesday, January 26, 1971, at 10 a.m.
Jan. 26—Bill read. Veto sustained.

THE NINTH DAY

CARSON CITY (Tuesday), January 26, 1971

Assembly called to order at 9:01 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Willard E. Banghart.

Pledge of allegiance to the Flag.

Mr. Torvinen moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker instructed the Chief Clerk to read the following communication:

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU
LEGISLATIVE BUILDING
401 SOUTH CARSON STREET

CARSON CITY, NEVADA, January 25, 1971

To the Members of the Senate and Assembly of the 56th Session of the Nevada Legislature:

Re: Photographs for Legislative Manual

LADIES AND GENTLEMEN: Due to a number of requests, the Research Division of the Legislative Counsel Bureau will hold the photographs of legislators intended for use in the Legislative Manual and legislative brochure until Noon, Wednesday, January 27th. Because of our printing schedule, it will be impossible to keep them beyond that time.

Legislators dissatisfied with the quality of the photographs taken last week should contact James T. Havel, Deputy Director of Research, before the deadline indicated above. While no additional photographs will be taken, if you can provide Mr. Havel with a suitable photo (approximately 4" x 5", black and white, bust shot), substitutions will be made as directed.

A similar procedure should be followed by those legislators who wish to indicate a preference for one of the two photographs from which the manual selection will be made.

Sincerely,

JAMES T. HAVEL
Deputy Director, Research

By Messrs. Howard, Kean, Roy Young, Homer, Mello, Lingenfelter, Mrs. Frazzini, Messrs. Jacobsen, Frank Young, Mrs. Brookman, Messrs. Lowman, Hilbrecht, Dini, Branch, May, Dreyer, Schofield, Fry, Valentine, Bryan, Miss Foote, Messrs. McKissick, Prince, Swackhamer, Swallow, Hafen, Olsen, Wilson, Getto, Glaser, and Miss Hawkins:

Assembly Concurrent Resolution No. 4—Memorializing the late Lieutenant General James A. May.

Mr. Howard moved the adoption of the resolution.
 Remarks by Mr. Howard.
 Resolution adopted unanimously.

INTRODUCTION, FIRST READING, AND REFERENCE

By Mr. Homer:

Assembly Bill No. 64—An Act relating to health and accident insurance; prohibiting any insurance policy provision which excludes payment for the services of a podiatrist or chiropractic physician; and providing other matters properly relating thereto.

Mr. Homer moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Messrs. May and Branch:

Assembly Bill No. 65—An Act relating to traffic control; allowing vehicles to make U-turns when so directed by an official traffic-control device.

Mr. May moved that the bill be referred to the Committee on Transportation.

Motion carried.

Mr. Torvinen moved that the Assembly recess until 10 a.m.

Motion carried.

Assembly in recess at 9:16 a.m.

ASSEMBLY IN SESSION

At 10:04 a.m.

Mr. Speaker presiding.

Quorum present.

SPECIAL ORDERS OF THE DAY

The hour of 10 a.m. having arrived, vetoed Assembly Bills Nos. 200, 449, 792 of the 55th Session, and vetoed Senate Bill No. 286 of the 55th Session were considered.

VETO MESSAGES OF THE GOVERNOR

Vetoed Assembly Bill No. 200 of the 55th Session.

Bill read.

Governor's message stating his objections read.

THE STATE OF NEVADA

EXECUTIVE CHAMBER

CARSON CITY, NEVADA, April 29, 1969

THE HONORABLE HOWARD MCKISSICK, *Speaker, Nevada State Assembly, Assembly Chambers, Carson City, Nevada 89701*

DEAR MR. SPEAKER: This bill seeks to displace a Sister State, New Hampshire, from its traditional role of conducting the first presidential primary. Its leaders have indicated that if this bill is approved they will reset their date ahead of Nevada. This will result in a "leap frog" situation which is undesirable from every standpoint. Nevada can further its economic future, it seems to me, without transgressing upon its neighbors.

Moreover, pure economics would seem to be a "flimsy basis" to establish primaries in Nevada.

The early date is troublesome from another standpoint. In these fast moving days of presidential politics very little "hay is in the barn" in March. For example, in the last elections Nevada Republicans probably would have nominated George Romney in March. In May he was no longer a candidate. It would appear that the latest possible date would afford Nevadans the greatest opportunity to evaluate the issues.

Let it be made clear that this veto is predicated solely upon the timing of the election, and not upon the election itself. It is my belief that a primary would be more responsive to the wishes of the people, and the time has come for its institution in Nevada.

For these reasons, I must respectfully veto Assembly Bill No. 200.

Respectfully submitted,

PAUL LAXALT

Governor of Nevada

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Messrs. Hilbrecht, Torvinen, Smalley, and Ashworth.

Mr. Hilbrecht requested that the following be entered in the Journal:

NEW AND EARLY PRESIDENTIAL PRIMARY ACTS

Rhode Island has a new presidential primary enacted in 1969.

Date for it same as New Hampshire, 2nd Tuesday in March (same date as New Hampshire).

New Mexico has a new presidential primary enacted in 1969.

Date for it is in June.

Maryland has a new presidential primary enacted in 1969.

Date for it is 3rd Tuesday in May.

Illinois moved their presidential primary up to *3rd Tuesday, March* (action taken at 1970 session).

Editorial from *Las Vegas Sun* of October 2, 1970

DIRECT PRIMARY STILL HAS CHANCE IN NEVADA

BRYN ARMSTRONG

An interesting number of states will have direct presidential primaries starting in March, but Nevada won't be among them.

The people of our state will have no direct voice in this election for nominees for any of the political parties.

Lengthy Process

We will continue on with the convention system under which delegates to the national conventions of the political parties will be chosen at state conventions. Delegates to state conventions in turn are chosen at county conventions attended by delegates elected at precinct meetings.

It is obvious that at several points along this torturous route, the true voice of the entire electorate is often lost, or at least muted.

Delegates to national conventions often don't know and some of them don't care who the residents of their state would like to see head their party's presidential ticket.

No Mandate

With no clear mandate from the people, these delegates make their own "deals" and cast ballots for presidential nominees according to their own views. They have no way of knowing which candidate has the backing of the majority of the people in their own state.

The Nevada legislature in 1969 tried to provide proper guidance to Nevada delegates through the mechanism of a direct presidential primary.

The bill passed both houses but was vetoed by Governor Paul Laxalt because of a provision that Nevada's presidential primary would be held in early March before New Hampshire which traditionally has been the first in the nation.

Hurt Feelings

He said he believed it would cause ill will if Nevada preempted New Hampshire's traditionally first primary.

This newspaper declared at the time we believed the principle of giving the people of the state a direct voice in selection of presidential candidates, and eliminating "deals" and bossism, far transcended any other considerations.

It is ironic that Rhode Island legislators are now considering a presidential primary in advance of that held by their New England neighbor. If a bill currently under consideration in Rhode Island passes, that state will hold the nation's first presidential primary early next March.

Second Chance

The 1971 session can still put the 1969 statute in the books however, by overriding the veto.

That is the simplest way of bringing Nevada up-to-date in the presidential candidate selection process and giving every citizen a voice in choosing their party's presidential nominee.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

YEAS—17.

NAYS—Ashworth, Foote, Frazzini, Fry, Getto, Hafen, Hawkins, Homer, Howard, Kean, Lauri, McKissick, Prince, Ronzone, Swackhamer, Torvinen, Valentine, White, Wilson, Frank Young, Roy Young, Mr. Speaker—22.

Vetoed Assembly Bill No. 449 of the 55th Session.

Bill read.

Governor's message stating his objection read.

THE STATE OF NEVADA

EXECUTIVE CHAMBER

CARSON CITY, NEVADA, May 2, 1969

THE HONORABLE ED FIKE, *President, Nevada State Senate, Senate Chambers, Carson City, Nevada 89701*

DEAR MR. PRESIDENT: This is to advise you that I have this date vetoed A. B. 449, providing a right of contribution for joint tortfeasors.

It is my position that this bill, upon implementation, will create far more problems for litigants and our courts than it purports to solve. The bill purports to accord an enforceable right of contribution before a judgment is recovered, and also calls for the application of "equitable" principles as to the pro-rata share of liability of a tortfeasor. These provisions, as well as others, convince me that the bill will be promotive of litigation between tortfeasors and will greatly protract a final judicial resolution of the rights and liabilities of litigants.

I have grave doubts as to the constitutionality, legality and wisdom of the creation of a right pre-judgment which can even be asserted in a separate action. While ostensibly seeking a fair ratio of contribution, such a practice could easily lend itself to extended and complex use of our judicial process, and defendants will be compelled, it would seem, to defend not only the principal action but a collateral contribution action merely upon the assertion of joint liability by a plaintiff's complaint.

The bill also provides that the relative degrees of fault of tortfeasors shall not be considered in determining pro-rata share of liability. While this is not a "comparative fault" jurisdiction, the fact remains that in many cases a judgment may obtain which holds two or a number of defendants liable jointly when, in actuality, one or more of them may be only technically responsible and the primary legal and moral responsibility rests with another. Under such circumstances, it seems preferable that such a responsible defendant not be motivated to evade possible settlement and go to trial on the prospect of lessened exposure through pro-rata contribution.

Rather, it would promote the ends of justice that the plaintiff, who is in a better position to know and separate true responsibility from technical liability and the