

# *Political History of Nevada*



## **Chapter 4**

**Campaigning, Voter Registration,  
and Casting Ballots in Nevada**



## CHAPTER 4: CAMPAIGNING, VOTER REGISTRATION, AND CASTING BALLOTS IN NEVADA

### POLITICAL PARTIES AND VOTER REGISTRATION

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Nevada has seen many political parties come and go over its 152-year history and was one of the primary forces behind the creation of one national political party. In total, 22 political parties have placed candidates on the ballot in Nevada, with only 4—Democratic, Independent American, Libertarian, and Republican—still having ballot access during the 2016 General Election (NOTE: voters still have the option of registering as nonpartisan).

The procedure for qualifying as a major political party in Nevada is found in *Nevada Revised Statutes* (NRS) 293.128, while NRS 293.171 and 293.1715 describe how a minor political party can be organized and gain ballot access.

During the early years of statehood, Nevada political offices were dominated by Republicans, perhaps as a thank you to the efforts of the nation's first Republican president, Abraham Lincoln, who used his considerable influence to help secure statehood for Nevada in 1864. The State's first two general elections in 1864 and 1866 saw the "Grand Old Party" capture all federal, State, and judicial offices.

The Union Party dominated the first four sessions of the Legislature. The Union Party was actually the Republican Party, which at its national convention in 1864, changed its name to the National Union Party in an attempt to lure War Democrats. The party's platform called for the unconditional restoration of the Union.

In 1870, Democrats won four of the constitutional offices, including governor, lieutenant governor, State treasurer, and attorney general.

In the latter 1800s and early 1900s, a new political party, the Silver Party, was formed to combat what many western states thought was a power play by European nations and eastern United States banking interests. The Silver Party was the outgrowth of many Republicans and Democrats from western states joining forces when depressed economic conditions brought about by the federal government curtailed its coinage of silver coins in 1873—popularly known as the "Crime of '73."

Although the Silver Party had a stronghold in Nevada and the State was one of the party's most prominent backers, other states with significant silver mining, including Colorado, Idaho, Utah, and other western states, also joined forces in an attempt to persuade Washington, D.C., to use more silver and thereby provide relief for the depressed market.

The Silver Party swept Nevada's constitutional offices in 1894 and 1898. An offshoot of the party, the Silver Democrat Party, remained a significant party in the State until the election of 1906. The last Silver Party representatives to hold statewide office were State Treasurer David M. Ryan; State Attorney General Richard Stoddard; and Lieutenant Governor Denver S. Dickerson, appointed acting governor following the death of fellow Silver Party member John Sparks on May 22, 1908.

The Silver and Silver Democrat parties also dominated the State's federal offices from 1894 to 1906, winning Nevada's U.S. Senate and congressional seats during that period, with Congressman George A. Bartlett being the last Silver Democrat to win an election in Nevada in 1906. Bartlett won reelection in 1908 but ran as a Democrat in that race.

Leading up to the Great Depression of 1929, the nation's two primary parties—Democratic and Republican—split the State's constitutional and federal offices, with Democrats winning a few more races than Republicans. However, following the Great Depression, Nevadans decidedly favored Democrats. From 1932 to 1995, Democrats held a statewide edge in voter registration and, as a result, won most statewide and federal races. In fact, every secretary of state in Nevada was a Democrat from the time of the Great Depression until Republican Cheryl Lau was elected and took office in 1991 (the trend actually began in 1911); every state treasurer was a Democrat from 1935 to 1983 (Republican Patricia D. Cafferata won in 1982); and every attorney general was a Democrat from 1911 to 1971, until the election of Republican Robert List, who went on to become governor in 1979.

It was not until the general election of 1990 that Republicans once again became a major factor in Nevada politics, capturing four of the State's six constitutional office races. In 1998, five of the six constitutional offices were won by Republicans, with Attorney General Frankie Sue Del Papa being the lone Democrat (she was re-elected to a third term in office that year) to win statewide office. In 2002, Republicans swept the constitutional offices for the first time since 1890.

In 2006, Democrats won four of the six constitutional offices, and two years later Democrats gained control of the State Senate, which was the first time Democrats controlled the upper house of the Legislature since 1990. Democrats held a majority of the constitutional offices and controlled both legislative houses until the 2014 General Election, the results of which were unprecedented in Nevada.

At the 2014 General Election, Republican candidates won all six constitutional office races, and the Republican Party won majorities in both houses of the Legislature (Republicans had not had a majority in the Assembly since 1985). This represented the first time since statehood in 1864 that Republicans held all the constitutional offices with majorities in both houses of the Legislature. While no constitutional offices were up for election in 2016, Democrats regained control of both houses of the Legislature.

Prior to 1910, voters in Nevada simply registered to vote without identifying their party affiliation. In 1909, the Legislature passed the Primary Election Act, which resulted in the State's first primary election in 1910. Even so, from 1910 to 1916, all candidates were listed on a single ballot and voters could make their choice for any candidate from any party.

The 1917 Legislature amended the primary election law to provide for separate ballots for each party at primary elections. As a result, for the first time in the State's history, voters had to identify their party affiliation when registering for the 1918 Election. Still, voter registration reports submitted by county clerks to the Secretary of State's Office did not separate the number of registered voters by party affiliation, as there was no legal requirement to do so. For the most part, clerks simply transmitted the total number of registered voters, often merely sending carbon copies of voter registration lists instead of compiling the total number of registered voters in their specific county.

Actual breakdowns of the total number of registered voters for each party were not reported and compiled until 1950. That year, Nevada had 83,950 registered voters: 53,050 Democrats; 26,601 Republicans; and 4,299 listed as "Miscellaneous."

Democrats continued to outpace Republicans by a wide margin for many years. By 1962, there was almost double the number of registered Democrats as Republicans in the State. That trend continued over several presidential election years. The gap between the two major parties started to close in 1972 as Republicans began to make headway. By the close of voter registration for the 1988 Presidential Election, Republican registration lagged behind Democratic registration by only 20,477 voters.

After years of playing catch-up, Republicans finally seized the lead in voter registration in Nevada in November 1995 by 1,182 voters, and by the close of registration for the 1996 Presidential Election, Republicans held a voter registration advantage of 4,211 registered voters. As the 2000 Presidential Election approached, the Republican voter registration advantage had shrunk to a mere 838 voters. However, by the close of registration for the 2004 Presidential Election, the Republican voter registration advantage was back up to 4,431 voters.

Republicans maintained their small voter registration margin over Democrats throughout 2005 and most of 2006. In December 2006, Democrats briefly overtook Republicans; however, this voter registration advantage only lasted for one month. The Republican voter registration advantage continued until April 2007 when the Democrats took a 217 lead in active registered voters, a lead that has not reversed as of today. At the close of registration for the 2008 Presidential Election, the Democrat's voter registration advantage over Republicans grew to over 100,000 voters. A similar margin between registered Democrats and registered Republicans has persisted throughout the 2012 and 2016 Presidential Elections. Due to the relatively small margin between registered Democrats and registered Republicans in Nevada, the State has been considered a battleground state for the last several presidential elections.

Voter registration in Nevada for the 2004 Presidential Election topped the 1 million mark for the first time in the State's history, and in November 2016, active voter registration in Nevada hit 1.5 million voters statewide. As of December 2016, there were 1,505,957 active registered voters in Nevada.

Since the early 2000s, the share of registered voters identifying themselves as members of the two major political parties has declined. In December 2000, 83 percent of registered voters belonged to either the Democratic or Republican party. By December 2016, this number dropped to 73 percent. Over this same time frame, the number of voters who have registered as nonpartisan has more than doubled and, as of December 2016, sits at 314,374, or 21 percent of active registered voters. Combined with minor party voter registration numbers, at the end of 2016, over 27 percent of voters in Nevada did not belong to either of the two major political parties.

The 22 political parties that have been active, at least at some point in the State's history, include:

Citizens (C)	Libertarian (Lib)	Silver (S)
Democratic (D)	Natural Law (NL)	Silver-Democrat (S-D)
Democrat-Silver (D-S)	New Alliance (NA)	Socialist (Soc)
Emigration (E)	Peoples (P)	Union (U)
Fusion (F)	Populist (Pop)	U.S. Constitution (USC)
Green (G)	Progressive (Pr)	Veterans (V)
Independent American (IA)	Republican (Rep)	
Independent (Ind)	Reform (Ref)	

Initials following party name in ( ) are used throughout this book to identify election results.

NOTE: In the 1904 and 1906 Elections, the Silver-Democrat Party was known as the Democrat-Silver Party.

NEVADA VOTER REGISTRATION FIGURES

Presidential Election Years (Close of voter registration figures)

NOTE: Actual breakdowns of the total number of registered voters for each party were not reported and compiled until 1950.

Year	Dem.	Rep.	Misc/NP	Ind.	Lib.	Nat. Amer.	Pop.	Green Law	Reform	Other	Total
1952	58,530	37,402	5,316	---	---	---	---	---	---	---	101,248
1956	73,736	42,019	5,229	---	---	---	---	---	---	---	120,984
1960	81,682	41,357	5,858	---	---	---	---	---	---	---	128,897
1964	104,630	50,462	8,383	---	---	---	---	---	---	---	163,475
1968	111,390	65,302	12,119	---	---	---	---	---	---	---	188,811
1972	133,278	80,199	17,568	---	---	---	---	---	---	---	231,045
1976	149,397	83,374	17,236	917	29	---	---	---	---	---	250,953
1980	158,617	115,182	22,843	---	676	---	---	---	---	---	297,318
1984	184,199	146,553	24,721	---	911	---	---	---	---	---	356,384
1988	209,048	188,571	46,573	---	739	---	---	---	---	---	444,931
1992	295,111	255,897	95,888	485	2,315	5	164	---	---	---	649,865
1996	325,450	329,661	104,526	12,923	3,833	369	---	9	35	1,328	778,134
2000	365,593	366,431	122,339	15,454	4,715	568	---	1,411	769	1,690	878,970
2004	429,808	434,239	161,620	31,517	6,240	1,081	---	3,356	356	2,884	1,071,101
2008	531,317	430,594	183,589	47,967	6,776	193	---	3,349	---	3,976	1,207,760
2012	526,986	436,799	219,299	58,130	8,448	---	---	1,186	---	6,773	1,257,620
2016	577,679	488,861	304,528	63,330	13,381	---	---	---	---	17,040	1,464,810

NOTE: Prior to 1980, "Nonpartisan" was reported as "Miscellaneous." From 2008 through 2016, voter registration numbers are for active registered voters only.

**INTERESTING FACTS ABOUT VOTING IN NEVADA**

By DANA R. BENNETT

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**Prohibition of Alcohol on Election Days**

Numerous laws throughout the older *Statutes of Nevada*, beginning in 1869, made the sale or provision of alcoholic beverages on Election Day illegal.

Just before the turn of the century, the prohibition was expanded to prohibit the use of bars and saloons during a campaign. In 1895, the Legislature passed the first comprehensive campaign reform measure, commonly called “The Purity of Elections Law,” which included a section prohibiting the use of facilities where alcohol was sold or provided. Alfred Doten noted in his journal that the subsequent campaign in Virginia City was, as a result, “dull.”

When Chapter 293 of NRS was established in 1960, the sale or provision of intoxicating beverages on Election Day was still illegal, although only during the hours when the polls were open. The pertinent provision, NRS 293.605, was finally repealed in 1967.

**People Currently Prohibited From Voting in Nevada**

- Non-citizens of the United States.
- People who have not resided in Nevada at least 30 days.
- Traitors.
- Felons who have not had their civil rights restored.
- A person who has been adjudicated mentally incompetent, unless restored to legal capacity (Art. II, § 1).

**People Previously Prohibited From Voting in Nevada**

- African-American men; until 1870, when the national constitution was amended.
- Mormon men under a statute approved in 1887; until 1888, when the statute was declared unconstitutional by the Nevada Supreme Court. It appears that the statute was not repealed until 1909.
- Men who did not pay the \$4 poll tax; until 1910, when the *State Constitution* was amended. When the original poll tax provision was debated during the writing of *Nevada’s Constitution*, an objection was made to it. Another responded that, if any voter was so poor that he could not afford to pay the tax, there were “always plenty of politicians to pay it for him the days before election, so that he should be recorded as a voter.”



- Women; until 1914, when the *State Constitution* was amended.
- Men who voluntarily fought against the Union or held a Confederate office; until 1914, when the *State Constitution* was amended.
- Native American people; until 1924, when Congress granted citizenship and universal suffrage to all Native Americans.
- People under the age of 21; until 1971, when the national constitution was amended to lower the voting age to 18 years.
- People who had participated, in any manner, in a duel; until 1978, when the *State Constitution* was amended.

### INTERESTING FACTS ABOUT PRESIDENTIAL ELECTIONS AND “CLOSE” ELECTION RESULTS IN NEVADA

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#### Nevada—A Harbinger State for Presidential Elections

Presidential candidates may not covet Nevada’s six Electoral College votes like they do Florida’s 29 or Ohio’s 18, but the Silver State has been one of the most accurate barometers in the past century on who is taking the White House.

Since 1912, only one state has backed presidential election winners more often than Nevada. In the 26 general elections starting with Woodrow Wilson’s first term—the year the Titanic sank—Nevada backed only Gerald Ford in 1976 and, this last year, it supported Hillary Clinton, who received more votes than Donald Trump; but history proves Nevada’s recent presidential vote was an anomaly. Here are a few interesting statistics to consider:

- Nevada voted for Franklin D. Roosevelt four times;
- Nevada went Republican Party “red” in the 1980s and Democratic Party “blue” in the 1990s; and
- The Silver State voted for George W. Bush twice and Barack Obama twice.

As the pendulum swung, so did Nevada.

It is hard to say exactly why Nevada has so often backed winning presidential candidates throughout the past century. Perhaps it is the fact that, through most of its history, Nevada has remained a largely urban state. While other more agrarian states include more evenly dispersed populations, Nevada is open desert dotted with urban centers that may be more inclined to national political trends with, generally, a more diverse population of voters.

Ohio and New Mexico rival Nevada in president-picking accuracy. Since becoming a state in 1912, New Mexico backed the winning presidential ticket in all but three elections: Hillary Clinton in 2016, Al Gore in 2000, and Gerald Ford in 1976. That gives New Mexico an overall better percentage throughout its history than Nevada.

The Silver State only backed two of eight winning presidential candidates from 1880 to 1908. After the downfall of the Comstock Lode in the 1880s and an evolution of State politics that saw the rise of the Silver Party, which backed federal monetization of silver, the Democratic Party's populist wing saw great success in Nevada, which included Nebraska orator William Jennings Bryan. The "Great Commoner" carried Nevada three times (1896, 1900, and 1908). Prior to Bryan, Populist Party candidate James Weaver carried Nevada in 1892, the only third-party candidate to take Nevada.

Through its first three decades, Nevada was a Republican stronghold, carried by Abraham Lincoln (1864), Ulysses S. Grant (1868 and 1872), and Rutherford B. Hayes (1876). Overall, Nevada has backed the winning presidential candidate 31 times in 39 elections since becoming a state in 1864.

Even with its success, Nevada does not have the longest streak backing winning presidential candidates. That streak belongs to Ohio. The Buckeye State has backed winners in 14 straight elections—every election since Richard Nixon carried the State over John F. Kennedy in 1960 and, most recently, Trump in 2016. Thomas E. Dewey narrowly carried Ohio over Roosevelt in 1944, the State's only other time it did not vote with the winning candidate in a presidential election since 1892. Nevada had the second-longest streak in the nation at nine before voting for Clinton in 2016. Prior to that, Virginia and Colorado were tied for the third-longest streaks, having successfully picked the President in four consecutive elections. Both of these states went for Clinton in 2016.

### The Closest High-Profile Elections in Nevada History

Nevada elections often include close races that are not called for days after the final ballots are cast. Some have even been overturned, as was Henry F. Dangberg's two-vote "victory" over James W. Haines in 1878 for a Douglas County State Senate seat. Haines' initial requests for a recount were denied, but he won his protest in a Senate vote during the 1879 Legislative Session. In 1898, Silver Party candidate, Reinhold Sadler, won the Nevada governorship with only 3,570 total votes, 22 more than his Republican opponent, William McMillan. A faulty Henderson voting booth overturned incumbent Arthur Espinoza's victory in the 1970 Assembly District 3 election when it was deemed 62 of his votes were meant for Robert "Hal" Smith.

Few statewide elections include the drama involved in U.S. Senate races in Nevada. Three extremely close U.S. Senate elections involved two men, with one of the elections matching them up head-to-head: Paul Laxalt and Harry Reid. Before Laxalt was elected Governor in 1966, he lost his U.S. Senate campaign against Democrat H.W. Canon in 1964 by 48 votes (67,336 to 67,288). A recount extended Canon's lead to 84 votes.

After four years as Governor, Laxalt ran for U.S. Senate again in 1974, narrowly defeating then-Nevada Lieutenant Gov. Harry Reid by 611 votes (79,543 to 78,932). Reid eventually replaced Laxalt after Reid beat Joe Santini, a Democrat turned Republican, in 1986. Reid, whose 30-year career in the U.S. Senate came to a close in 2016, entered another close race as an incumbent in 1998. That year, a recount determined he defeated John Ensign by a slim 428-vote margin (208,650 to 208,222). It is hard to say how the trajectory of the State and the nation would have changed if Reid was voted out of office before becoming U.S. Senate majority leader in 2007.

Additionally, long before Reid and Laxalt entered public life, U.S. Senator Francis Newlands, a Democrat, entered the closest battle of his political life in 1914—the first election after the 17th Amendment established direct elections of U.S. Senators. With Socialist Party candidate, A. Grant Miller, taking more than 5,400 votes that otherwise would have leaned Democrat, Newlands narrowly beat Republican candidate Samuel Platt by 40 votes (8,078 to 8,038), the greatest fight of his long-tenured political life. Three years later, in his 24th year serving as a Congressman, the 69-year-old Newlands died of a heart attack.

#### Nevada's Top 5 Closest High-Profile Elections

- 1898 Governor: Reinhold Sadler (Silver Party) defeated William McMillan (Republican) by 22 votes (3,570 to 3,548).
- 1912 Congress: E.E. Roberts (R) defeated Clay Tallman (D) by 69 votes (7,380 to 7,311).
- 1914 U.S. Senate: Francis Newlands (D) defeated Samuel Platt (R) by 40 votes (8,078 to 8,038).
- 1964 U.S. Senate: H.W. Canon (D) defeated Paul Laxalt (R) by 48 votes (67,336 to 67,288). The recount expanded Cannon's lead to 84 votes (66,907 to 66,823).
- 1998 U.S. Senate: Harry Reid (D) defeated John Ensign (R) by 401 votes (208,621 to 208,220). The recount expanded Reid's lead to 428 votes (208,650 to 208,222).

**BALLOTS AND VOTING SYSTEMS: FROM STATEHOOD  
TO THE 21ST CENTURY**

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The *Constitution of the State of Nevada* requires that “all elections by the people shall be by ballot” (Art. 2, § 5), but it does not define a ballot. This provision has never been challenged. The *Constitution* also vests, in the Senate and Assembly, the general legislative authority of this State (Art. 4, § 1) and specifically empowers the Legislature to pass laws regulating elections (Art. 4, § 27) and “the manner of holding and making returns of the same” (Art. 2, § 6). In 1895, the Nevada Supreme Court upheld the constitutionality of State laws that require voters to mark their ballots in a certain way and comply with other conditions.

A brief review of the early legal history of ballots in Nevada reveals that the Legislature has consistently exercised its constitutional authority to adopt State election laws as necessary. In its second session, the Legislature passed a law that required a voter to submit to an election inspector “a piece of paper, on which shall be written or printed the names of the persons voted for, with a pertinent designation of the office which he or they may intend to fill. Said ballot may be open or folded, as the voter may choose” (Chapter 107, *Statutes of Nevada 1866*). There was no requirement for an entity, such as a county, to produce a printed ballot, nor were voting booths provided. Voters simply wrote their choices on a piece of paper, probably before they arrived at the polling place, and handed it to the election inspector, who, upon verification that the person was eligible to vote, deposited it in the ballot box.

The first reference to an official ballot came in the next comprehensive election law, which was approved in 1873. Among many other provisions, this law required each board of county commissioners to proclaim the color, size, form, and texture of the ballots to be used at the election. Ballots were to be “of sufficient width to allow names to be written thereon” (Chapter 121, *Statutes of Nevada 1873*) but were not required to be preprinted.

Such open and vague voting laws certainly provided plenty of opportunity for voting fraud. Sam Davis, noted chronicler of Nevada history, explained that “each party had a separate ticket, and it was an easy matter to hand a man a ticket and see that he voted it.” Davis also provided the following description of voting during the early years of statehood:

In the palmy days of the Comstock there was always more or less rough work connected with politics. A primary election was frequently an affair with all the elements of a riot. Roughts were hired “to preserve order,” and other roughs and heelers engaged to keep the other side

orderly. Money flowed like water on those occasions and what was usually designated as the “graveyard vote” was called into requisition by both sides.

It was thought nothing amiss to resurrect the dead and vote them by the wholesale. So long as the memory of the departed was respected by not voting him except in proper alignment with the party with which he affiliated in his lifetime, the ethics and traditions were considered as having in no way been violated.

These voting techniques were not unique to Nevada. According to another history of the State, edited by former Governor James G. Scrugham: “In fact, in almost every state of the Union up to 1890, a voter got his ballot at some place distant from the polls, marked it or had it marked for him, and was under the surveillance of partisan watchers until he placed it in the ballot box.”

During the elections of 1888, such abuse and fraud were so rampant and obvious that legislatures throughout the country began to reform their election laws to provide for a secret ballot. By 1891, most states, including Nevada, had adopted the Australian ballot system, which requires the government (as opposed to political parties or other entities) to print and distribute election ballots. A ballot is available only at the government’s official polling place and is given to a voter for a short period of time to be marked alone and in confidence, usually in a booth at the polls, but within view of election officials to whom the ballot is returned. Thus, a vote is secret, and the information cannot be used to punish or reward a voter.

Nevada’s 1891 legislation (Chapter 40, *Statutes of Nevada*) required each county clerk to have official ballots printed on paper provided by the Secretary of State at public expense. A watermark was to be on the outside of the ballot and visible when the ballot was folded; the mark was changed for each election. The law mandated that the ballots be numbered and also described the contents of each ballot; voters were not allowed to write in a candidate. In addition, county commissions were directed to provide private booths into which people would take their ballots for marking. Solo occupation of the booths was required, and a time limit was established at five minutes. The legislation instructed voters to mark, with a black lead pencil only, an “X” next to those names and questions for which they wished to vote, then fold the ballot and return it to the election official, who would reverify the voter’s name and the ballot’s number, note that the correct watermark was showing, and drop the ballot in the ballot box.

Finally, this measure required the printing of sample ballots to be made available to voters at each office of the county clerk for five days preceding an election. A sample ballot was also provided to each voter on Election Day, and voting instructions were posted.

Virginia City resident and prolific diarist Alfred Doten commented after the general election of 1892 that the new system had been “put into force for [the] first time and proved a grand success.”

Ten years later, the 1901 Legislature required each county commission to provide a certain number of rubber stamps that marked “X” and black ink pads for voters to take into booths for marking ballots (Chapter 100, *Statutes of Nevada 1901*). In 1909, the Legislature added a primary election law, which was similar to the general election provisions except that ballots were separate for each party and on different-colored paper designated by the Secretary of State. The legislation provided more directions about the size, type, wording, and style of ballot and specified the following instructions: “To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote.” The measure also included an example of a ballot and required that sample ballots be distributed to voters at least ten days before the election and published in the local newspaper.

In addition, the 1909 law defined the “method of voting” as:

Any elector desiring to vote at any primary election on behalf of any party shall give his name and address to the ballot clerk, and announce the name of the political party for whose candidates he intends to vote, the ballot clerk shall immediately announce the same.

Any challenge could be made at this time. If not challenged, the ballot clerk would hand the voter a ballot and instruct him (in 1909, all voters were male), if necessary, on the folding of it. The voter then would go to a private booth to mark his ballot with the rubber stamp, which at this time was kept in the booth. The law continued:

When a voter has stamped his ballot he shall fold it so that its face shall be concealed and only the printed designation on the back thereof shall be visible, and hand the same to a member of the board in charge of the ballot box. Such folded ballot shall be placed in the ballot box in the presence of the voter, and the name of the voter checked upon the register as having voted.

From 1911 to 1951, the Nevada Legislature passed various measures concerned with the entire election process, but the manner of voting and the description of ballots remained essentially the same. In fact, much of the language approved by the 1909 Legislature can be found in the current version of Chapter 293 (“Elections”) of *Nevada Revised Statutes* (NRS). Some of the amendments made included the first authorization to use absentee ballots (1921) and the creation of mailing precincts (1923).

In 1951, the first measure addressing the use of voting machines in elections was approved (Chapter 136, *Statutes of Nevada 1951*). This bill outlined the

procedure for examining, approving, and using a mechanical device to cast and count votes, and authorized county commissions to approve specific voting machines. Included in this legislation was the first written definition of a ballot. When NRS became the official compilation of Nevada laws in 1957, election laws were placed in Title 24 (“Elections”). The 1951 legislation provided most of Chapter 303 of NRS, which was titled “Voting Machines and Other Voting Devices.” In 1960, the Legislature restructured the State’s election laws, encompassing and expanding much of the language approved by earlier legislatures. In particular, the Secretary of State was given sole authority to approve voting machines. The provisions of Chapter 303 were also condensed and moved into Chapter 293 of NRS.

In 1971, the sections of Chapter 293 pertinent to voting machines were moved to a new Chapter 293A, titled “Voting Machines,” and expanded. Four years later, Chapter 293B of NRS, then titled “Punchcard Voting Systems,” was created to authorize specifically the use of punchcard systems. In 1977, Chapter 293A was repealed as part of a package of bills from an interim study on State election laws. Testimony from the Office of the Secretary of State indicated that the provisions being removed referred to “mechanical standup machines” that had been used in Clark and Washoe Counties. These provisions conflicted with the laws governing punchcard systems; their removal would streamline election laws concerning voting systems. Under this legislation, punchcard systems and other automatic voting machines were allowed. Testimony further noted that counties were in the process of moving away from paper ballots and toward mechanical systems.

By 1985, not one county in Nevada was using paper ballots in primary and general elections. That year, the Nevada Legislature greatly expanded Chapter 293B and retitled it “Mechanical Voting Systems.” Such a system was defined as one “whereby a voter may cast his vote on a device which mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on, or by punching a card which is subsequently counted on an electronic tabulator, counting device or computer.” Ten years later, in 1995, the Legislature amended these provisions by authorizing and regulating computerized voting systems.

Nevada’s laws concerning ballots have evolved over the past 130 years as society itself has evolved. Early statutes did not specifically require the use of paper ballots because the options were few: voting could be done by voice, raising one’s hand, or marking a piece of paper. Telephones, levers, punchcards, and computers were all inconceivable. As technology has improved, voting systems and Nevada’s ballot laws have responded to those improvements. However, the lessons of early voting fraud have not been forgotten: since 1891, the Nevada Legislature has been diligent in ensuring the secrecy of the ballot and the integrity of the voting system.

**VOTING MACHINES IN THE 21ST CENTURY**

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Changes to Nevada's laws concerning ballots and voting systems were minimal before 1995, but following the discovery of voting irregularities that plagued the United States during the 2000 Presidential Election, Nevada and the nation were faced with the reality of changing voting methods or risking losing voter confidence and trust.

The 1960 Nevada Legislature delegated to the Secretary of State the sole authority to approve voting machines, thus allowing the State to remain responsive to technological advances and respond to voting irregularities in a timely manner, and enabling the State to make voting more accessible to everyone.

In 1999, 7 of Nevada's 17 counties used punch card voting systems, 9 used optical scan machines, and 1 used computerized electronic voting systems (with a punch card voting system for processing absentee ballots). During the 2000 election, many inherent problems in voting systems and processes were unveiled throughout the nation. In Florida, a vote counting controversy involving the counting of punch card "butterfly ballots" and "hanging chads" held the nation in suspense and the outcome of the presidential election in doubt for a little over a month.

While Nevada was fortunate to avoid the problem that beset many other states during the 2000 elections, the flaws and failures of voting systems and processes in other states made it clear that the issues surrounding voting were becoming more complex and the system needed to be reformed.

In response to the contentious 2000 elections, Congress passed the Help America Vote Act (HAVA) of 2002, which mandated reform of the voting process to avoid future disastrous elections similar to those in 2000 and to improve the process for voters with disabilities. Among other things, HAVA required that by January 1, 2005, every polling place across the nation have at least one Direct Recording Electronic (DRE) voting machine or system that is accessible to individuals with disabilities. Additionally, this type of touch-screen voting machine facilitates early voting, allows disabled and visually impaired voters to touch a ballot for the first time without assistance through the use of an audio component, prevents "over-votes," minimizes "under-votes," and allows election officials to offer ballots in multiple languages.



In response to the mandates of HAVA and realizing the necessity of updating voting systems and procedures in Nevada, the 2003 Legislature substantially revised the State's election laws to incorporate the mandatory provisions of HAVA into State law and to adopt state-specific guidelines to meet the federal requirements, as allowed by HAVA. The 2003 Legislature approved these changes, allowing the State to proceed with timely implementation and compliance with the federal law. In 2003, another issue concerning voting machines began receiving national attention. Surprisingly, controversy surrounding the type of DRE voting machines mandated under HAVA began to surface. Studies questioning their security and reliability because of their lack of a voter-verifiable paper audit trail became a topic of concern throughout the nation.

As the security of these machines underwent scrutiny on the national level, the Secretary of State Dean Heller started his own review of the Nevada system. During this review, two things became clear as lawsuits over voting systems were launched throughout the nation: (1) punch card voting systems were one of the least accurate and reliable methods of voting; and (2) DRE machines appeared to be one of the most accurate systems; however, many voters lacked confidence in them due to the paperless aspect. Further, while HAVA's mandate that one DRE be placed in each polling place was positive in that it would make voting more accessible to the disabled, it also could potentially create difficulties with interfacing different types of voting systems and tabulating results from different systems on Election Day.

In consideration of the foregoing, the Secretary of State began investigating the best DRE system for meeting HAVA's mandate, along with necessary changes to the process of voting in Nevada that would mitigate the interfacing and voter confidence problems that surrounded the use of DRE machines. It was determined that the first step toward reform was to move in the direction of a statewide, uniform voting system and eliminate the use of less reliable methods of voting.

The assistance of experts who verify the security of the State's gaming industry were enlisted to help. The Nevada Gaming Control Board's Electronic Services Division helped to determine the best statewide voting system. The Board's experts reviewed the two DRE machines under consideration and, while they found several flaws in one of the systems, the other, built by Sequoia Voting Systems (now Dominion Voting Systems) was declared secure.

Based on this information and after reviewing many studies and concerns about DRE machines, it was determined that electronic touch-screen machines were more accurate, reliable, and valid than punch card or optical scan machines, but that the only way to prove the accuracy of the machines and ensure voter confidence was to attach a paper trail printer to them so voters could verify their choices before casting their ballot on the machine.

In December 2003, the Secretary Heller made the decision to buy the Sequoia touch-screen voting machine—and optical scan machines for absentee voting—for all Nevada counties. Funds from HAVA were provided for 16 of the 17 counties, while Clark County provided its own funds. A voter-verifiable paper audit trail also known as VPAT, on all DRE machines was mandated in time for the 2004 General Election, and punch card voting systems were decertified in the State based on their lack of reliability. In July 2004, Nevada became the first state to certify and meet federal qualifications for the VPAT printer to be used on touch-screen DRE voting machines.

All of Nevada's counties used computerized touch-screen voting systems with voter verifiable paper audit trail printers during the 2004 election cycle and optical scan voting systems for processing absentee ballots. Thus, Nevada became the only state in the nation to use a paper audit trail printer attached to the electronic touch-screen voting machines in the 2004 election, earning national acclaim from publications such as *Consumer Reports* (October 2004) and *The New York Times* (September 19, 2004).

Nevada has continued to use the DRE touch-screen machines since 2004, experiencing few problems. The challenge in the coming years will be determining what system will be used to replace the aging DRE systems.

**QUESTIONS ON THE BALLOT:  
INITIATIVES, REFERENDUMS, LEGISLATIVE JOINT RESOLUTIONS,  
AND OTHER BALLOT PROPOSALS**

By MICHAEL J. STEWART  
Deputy Research Director, Legislative Counsel Bureau

Various types of proposals may appear on Nevada's statewide ballot. These include initiative, referendum, questions addressing the Sales and Use Tax Act of 1955, bond issues, and advisory questions. In most cases, these statewide proposals appear on the general election ballot in November of each even-numbered year.

**Constitutional Amendments Through Resolution of the Legislature**

The Nevada Legislature may initiate a proposed amendment to the *Nevada Constitution* in the form of a joint resolution. The resolution must be approved by two successive sessions of the Legislature and by an affirmative vote of the people at the next succeeding general election.

Over the years, many significant changes to the *Nevada Constitution* have been approved in this manner. These amendments include granting women the right to vote in State and local elections (1914); limiting the Governor to no more

than two terms of office (1970); prohibiting the taxation of food for human consumption, excluding alcoholic beverages or prepared food (1984); and repealing obsolete constitutional language. From 1950 through 2016, 129 of the 220 questions appearing on the statewide ballot were legislative proposals to amend the *Nevada Constitution*. Of these 129 legislative proposals, 77 were approved by the voters.

### Initiative and Referendum

*Initiative and Referendum (I&R)—A Brief History*—The I&R process was popularized in the late 19th and early 20th centuries during a wave of Populist feelings that swept the country during that time. During the late 1890s, the Populist Party was gaining influence in the American political scene. Their platform included women's suffrage, direct election of United States Senators, and the use of I&R. In 1897, Nebraska became the first state to allow I&R for city elections and, in 1898, South Dakota became the first state to adopt a statewide I&R. Utah became the second state to adopt statewide I&R, followed by Oregon in 1902, which was the first state to place a statewide initiative measure on the ballot in 1904. By 1905, Nevada adopted its popular referendum. However, it was not until 1912 that Nevada adopted its statewide initiative process. With a few exceptions, this process remains the same today as it did in the early 1900s.

The popularity of the I&R was so great during the early part of the 20th century that by 1918, 19 of the 24 states that currently have I&R had adopted the process. Mississippi was the last state to adopt I&R in 1992. Interestingly enough, most of the states that have adopted I&R are west of the Mississippi River. Some theorize that the expansion of I&R in the West fits more with westerners' independent, populist belief system. For the most part, I&R operated quietly in the background of state politics for much of the 20th century. However, during the last three decades, it has come back into vogue. Nationwide, the popularity of I&R appears to have peaked in the 1990s; however, a large number of initiative proposals still qualify for the ballot, and a significant amount of money is spent on the process every election cycle. According to the Initiative and Referendum Institute, since the inception of the initiative in 1898, there have been more than 2,500 initiative measures on ballots in the 24 I&R states. Nearly half of these initiative measures (1,226) appeared on ballots in the last 36 years.

*The Initiative Process in Nevada*—The initiative is a procedure and method whereby citizens, through a petition process, place measures on the ballot proposing changes or additions to laws or state constitutions. There are two types of initiatives—direct and indirect. In Nevada, an initiative can be crafted to make an amendment to the *Nevada Constitution* (a direct initiative) or to change or amend an existing statute (an indirect initiative). The direct initiative involves a petition process that, if successful, goes directly on the ballot at the

next general election. The indirect or statutory initiative, however, involves the input and consideration of the Legislature. In other words, an initiative proposal to change Nevada State law does not go directly to the ballot. In the indirect initiative process, a proposed initiative (if the petition has enough qualified signatures) is first referred to the Legislature.

During the 2005 Legislative Session, the Legislature passed measures requiring I&R petitions to address only one subject and matters necessarily connected with that subject. An explanation of the effect of the petition must also appear on each signature page of the petition. This legislation further required the Secretary of State to post a copy of the initiative or referendum petition, the description of the effect of the petition proposal, and the fiscal note on his or her website. Legislation adopted in 2007 provided that if a description of effect is amended in compliance with a court order, that amended language cannot be challenged.

The *Nevada Constitution* and various provisions in Chapter 295 (“Certain State and Local Ballot Questions”) of NRS also provide for I&R at the city and county level, although the filing, signature requirements, approval process, and time frames vary from the statewide I&R process. Finally, every election cycle, the Office of the Secretary of State publishes the *Initiative & Referendum Guide*, which is available on the Secretary of State’s website.

*Constitutional Amendments*—An initiative petition to amend the *Nevada Constitution* must be signed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last statewide general election. For 2016, this represented 55,235 valid signatures, which needed to be divided among Nevada’s four “petition districts” (13,809 signatures per district). Before any initiative petition to amend the *Nevada Constitution* may be circulated for signatures, a copy of the petition, including a description of 200 words or less of the effect of the petition, must be filed with the Secretary of State not earlier than September 1 of the year prior to the election. The petition may then be circulated for signatures until the third Tuesday in June of the following year (the election year), at which time, it must be submitted to the appropriate county election offices for signature verification. Upon completion of the signature verification process, all petitions must be filed by the county election officer with the Secretary of State no later than 90 days before the November general election (this date usually falls around the second week of August). If it is determined that the petition contains a sufficient number of valid signatures, the initiative question will appear on the general election ballot. An initiative petition to amend the *Nevada Constitution* must be approved in identical form at two successive elections before becoming law.

Over the years, numerous initiative proposals amending the *Nevada Constitution* have been considered by the voters. Key proposals that have been approved address a number of different topics, including the definition of marriage, medicinal marijuana, minimum wage, taxation, and term limits.

INITIATIVE PROPOSALS TO AMEND  
 THE NEVADA CONSTITUTION\*  
 Actions by the Voters 1956-2016

<i>Year of Election</i>	<i>Topic</i>	<i>Election Result</i>
1956	Prohibits right-to-work laws	Failed
1958	Revises initiative process	Passed
1960	Reinstates biennial legislative sessions instead of annual sessions	Passed
1968	Repeals lottery prohibition	Failed
1978	Limits property taxes	Passed (1st vote of people)
1980	Limits property taxes	Failed <sup>†</sup> (2nd vote of people)
1980	Exempts household goods from taxation	Passed (1st vote of people)
1980	Exempts food (restaurant meals) from taxation	Passed (1st vote of people)
1982	Exempts household goods from taxation	Passed (2nd vote of people)
1982	Exempts food (restaurant meals) from taxation	Failed (2nd vote of people)
1984	Taxes and fees of State and local governments	Failed (1st vote of people)
1988	Prohibits State personal income tax	Passed (1st vote of people)
1990	Prohibits State personal income tax	Passed (2nd vote of people)
1994	Term limits for members of Congress	Passed <sup>‡</sup> (1st vote of people)
1994	Term limits for certain State and local officers in Executive, Judicial, and Legislative Branches	Passed (1st vote of people)
1994	Establishes, limits, and defines campaign contributions	Passed (1st vote of people)
1994	Requires two-thirds vote in both houses of Legislature to approve a measure that generates or increases taxes or fees	Passed (1st vote of people)
1996	Term limits for certain State and local officers in Executive and Legislative Branches	Passed <sup>§</sup> (2nd vote of people)
1996	Term limits for Nevada justices and judges	Failed <sup>§</sup> (2nd vote of people)
1996	Establishes, limits, and defines campaign contributions	Passed (2nd vote of people)
1996	Requires two-thirds vote in both houses of Legislature to approve a measure that generates or increases taxes or fees	Passed (2nd vote of people)
1996	Instructs Nevada's Congressional Delegation and members of the Legislature to provide term limits for the members of Congress	Passed (1st vote of people)

<i>Year of Election</i>	<i>Topic</i>	<i>Election Result</i>
1998	Instructs Nevada's Congressional Delegation and members of the Legislature to provide term limits for the members of Congress	Passed (2nd vote of people)
1998	Authorizes possession and use of marijuana for certain medical purposes	Passed (1st vote of people)
2000	Authorizes possession and use of marijuana for certain medical purposes	Passed (2nd vote of people)
2000	Recognizes marriages only between persons of the opposite sex	Passed (1st vote of people)
2002	Recognizes marriage only between persons of the opposite sex	Passed (2nd vote of people)
2002	Allows for the use and possession of three ounces or less of marijuana	Failed (1st vote of people)
2004	Requires funding public education before funding any other budget item	Passed (1st vote of people)
2004	Requires that the funding per pupil in Nevada's public schools meets or exceeds the national average	Failed (1st vote of people)
2004	Adds provisions regarding insurance rates and practices in Nevada	Failed (1st vote of people)
2004	Authorizes penalties for lawyers participating in frivolous law suits and prohibits changes to limits on monetary damage awards	Failed (1st vote of people)
2004	Raises the minimum wage for working Nevadans	Passed (1st vote of people)
2006	Requires funding public education before funding any other budget item	Passed (2nd vote of people)
2006	Provides that the transfer of property from one private party to another private party is not considered a public use; provides that property taken for a public use must be valued at its highest and best use; and makes other changes related to eminent domain	Passed (1st vote of people)
2006	Raises the minimum wage for working Nevadans	Passed (2nd vote of people)
2008	Provides that the transfer of property from one private party to another private party is not considered a public use; provides that property taken for a public use must be valued at its highest and best use; and makes other changes related to eminent domain	Passed (2nd vote of people)
2016	Requires the Legislature to establish an open, competitive retail electric energy market that prohibits the granting of monopolies and exclusive franchises for the generation of electricity	Passed (1st vote of people)

<i>Year of Election</i>	<i>Topic</i>	<i>Election Result</i>
2016	Requires the Legislature to exempt durable medical equipment, oxygen delivery equipment, and mobility enhancing equipment prescribed for use by a licensed health care provider from any tax upon the sale, use, or consumption of tangible personal property	Passed (1st vote of people)

\*Initiative petition to amend the *Nevada Constitution* was added to the *Constitution* in 1912.  
 †This measure appeared on the ballot a second time because, after 1962, affirmative votes of the people at two successive general elections were required to amend the *Constitution* through the initiative process.  
 ‡Removed from 1996 Ballot following the United States Supreme Court decision, *U.S. Term Limits vs. Thornton*, and Nevada Attorney General Opinion No. 95-17.  
 §Question No. 9 from the 1994 Ballot was split into two separate parts on the 1996 Ballot.

### Enacting or Amending a State Statute

An initiative petition may also be used to enact a new statute or to amend an existing law. The same number of registered voters required to sign a constitutional initiative also is required to sign a statutory initiative. For 2016, this represented 55,235 valid signatures, which needed to be divided among Nevada’s four “petition districts” (13,809 signatures per district). Proponents must first file a copy of the petition, including a description 200 words or less of the effect of the petition, with the Secretary of State not earlier than January 1 of the year prior to the next legislative session. The petition may then be circulated for signatures until the second Tuesday in November, at which time it must be submitted to the county election offices for signature verification. Upon completion of the signature verification, all petitions to amend or create a statute must be filed by the county with the Secretary of State no later than 30 days before the start of the next legislative session.

If the petition contains a sufficient number of valid signatures, the Secretary of State shall transmit the initiative proposal to the Legislature as soon as it convenes. The Legislature must either enact or reject the petition without amendment within the first 40 days of the legislative session. Depending on the Legislature’s action, the proponents may continue the process by placing it on the ballot. If the Legislature defeats or fails to act on the initiative proposal within the first 40 days, it is automatically placed on the ballot at the next general election for consideration by the voters. Some states, including Nevada, allow the Legislature to place an alternative measure (regarding the same subject) on the ballot to be considered along with the initiative questions. If the Legislature enacts the statute proposed in the petition and it is approved by the Governor, it becomes law. It should be noted that a statutory initiative approved by the voters shall not be amended, annulled, or repealed by the Legislature within three years from the date it takes effect.

INITIATIVE PROPOSALS TO AMEND  
OR ENACT A STATE STATUTE\*  
*Actions by the Voters 1918-2016*

<i>Year of Election</i>	<i>Topic</i>	<i>Election Result</i>
1918	Prohibition	Passed
1922	Divorce	Failed
1922	Divorce (legislative substitute for divorce initiative)	Passed
1934	Bounties on predatory animals	Passed
1936	Old age pensions	Failed
1938	Bounties on predatory animals	Failed
1944	Old age pensions	Passed
1952	Right-to-work	Passed
1954	Repeal right-to-work	Failed
1956	Public school finance	Failed <sup>†</sup>
1956	Repeal right-to-work	Failed
1982	Consumer's Advocate public utilities	Failed
1982	Consumer's Advocate public utilities (legislative substitute for Consumer's Advocate initiative)	Passed
1990	Corporate tax for education	Failed
1996	Consideration and approval twice of increase in tax (legislative substitute for two-thirds vote initiative)	Passed but not enacted <sup>‡</sup>
2004	Limits the fees an attorney could charge a person seeking damages against a negligent health care provider in a medical malpractice case	Passed
2006	Prohibits smoking in certain public places	Failed
2006	Prohibits smoking in certain public places	Passed
2006	Amends Nevada law to allow and regulate the sale, use, and possession of one ounce or less of marijuana by persons at least 21 years of age	Failed
2014	Creates a 2 percent tax imposed on a margin of the gross revenue of business entities whose revenue exceeds in \$1 million, with proceeds going to the State Distributive School Account	Passed
2016	Prohibits, except in certain circumstances, a person from selling or transferring a firearm to another person unless a federally licensed dealer first conducts a federal background check on the potential buyer or transferee	Passed



Year of Election	Topic	Election Result
2016	Allows a person who is 21 years of age or older to purchase, cultivate, possess, or consume a certain amount of marijuana and provides for its taxation and regulation	Passed

\*Initiative petition to enact a new law was added to the *Nevada Constitution* in 1912. This table shows only those statutory initiatives that were considered by the voters following consideration by the Nevada Legislature. Statutory initiatives in 1933, 1957, and 2011 were declared void or invalid by the courts after consideration by the Legislature and were not placed on the ballot. A 1959 statutory initiative relating to Chapter 674 of *Nevada Revised Statutes* (NRS) was not placed on the ballot, as the Legislature repealed that NRS Chapter prior to the 1960 election. A 2001 statutory initiative regarding taxation and school funding was declared void before the Legislature could consider the initiative. Finally, a 2009 statutory initiative relating to the gross receipts tax from the rental of transient lodging was approved by the Legislature.

†In 1955, the Legislature considered an initiative concerning the question of public school finance. Although the Legislature did not adopt the initiative petition, salient provisions of the measure were included in a new school code enacted in the special session of 1956. However, the initiative petition had to be included on the 1956 General Election ballot, even though the issue was moot, because the *Constitution* does not contain any provisions to remove it from the ballot.

‡The proposed amendment to State law would have required each house of the Nevada Legislature to consider and approve twice any bill that imposes or increases a tax or assessment. Additionally, the measure would have required a period of ten calendar days to elapse between the first and second votes in each house on any such bill, with the final vote taking place at least ten days before the adjournment of a regular legislative session. The proposed amendment would have become effective only if a majority of the voters rejected the initiative proposal (1996 Ballot Question No. 11) that required a two-thirds vote of both legislative houses to pass a measure increasing a tax, fee, assessment, rate, or public revenue.

### Geographic Distribution Requirement for Initiative Petition Signatures

Until the early 2000s, Nevada was one of ten states to require a “geographic distribution” signature requirement, whereby signatures for initiative petitions had to be gathered in 75 percent of Nevada’s counties (13 out of 17 counties). In a challenge to this provision, a federal judge agreed with plaintiffs who argued that requiring the collection of signatures in different areas of the State gave added weight or influence to voters’ signatures in rural areas and diminished the relative weight of voters’ signatures in urban centers. In making his ruling, the federal judge relied heavily upon an earlier Ninth Circuit Court of Appeals ruling declaring unconstitutional similar signature requirements in Idaho.

The 2005 Nevada Legislature discussed and debated the geographic distribution requirement following the federal ruling. In response, the Legislature approved Assembly Joint Resolution No. 1 (File No. 8, *Statutes of Nevada 2005*) of the 22nd Special Session, which proposed to remove the provisions in the *Nevada Constitution* that were declared unconstitutional. Since the long-standing, geographic-based signature requirement was deemed unconstitutional, petition signatures were able to be gathered in any combination of counties for the 2006 election cycle.

The 2007 Legislature then approved a measure setting forth a new formula for the 2008 election cycle, whereby a statewide initiative or referendum petition was to be signed, in total, by a number of voters equal to 10 percent of total votes cast in the last general election. In addition, that 10 percent was required to consist of signatures from each county in proportion to that county's percentage of the State's population. This method was also challenged and ultimately rejected by the courts following the 2008 election cycle.

The current statewide petition signature requirement was set forth in Senate Bill 212 (Chapter 460, *Statutes of Nevada*) of the 2009 Legislative Session. The bill required the Legislature to create petition districts from which signatures for a petition for initiative must be gathered. The bill defined "petition district" to mean a congressional district until July 1, 2011, at which time the Legislature was to establish petition districts for the period after that date. In 2011, the Legislature confirmed, with the passage of S.B. 133 (Chapter 320, *Statutes of Nevada*), that it wanted to continue using congressional districts as petition districts. Today, an initiative petition must be signed by a number of registered voters equal to at least 10 percent of the voters who voted in the last preceding general election divided equally among Nevada's congressional districts.\*

#### The Referendum Process in Nevada

A referendum typically allows citizens to register, through a vote of the people, their support or disapproval of a current law or statute. In some states, the referendum is advisory in nature and does not create or abolish any laws. However, in Nevada, a referendum is binding and serves to either "set in stone" a particular statute (except by another vote of the people) or render a law or resolution void.

The first day a statewide referendum can be filed is August 1 in the year prior to the next election. In order to qualify for the ballot, a statewide referendum must be signed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last statewide general election divided equally among the petition districts. The petition may be circulated for signatures until the third Tuesday in June of the following year, at which time it must be submitted to the appropriate county election office for signature verification. If there are enough valid signatures, the referendum to approve or disapprove a current state law shall be placed on the general election ballot.

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\*On March 14, 2012, the Ninth Circuit Court of Appeals affirmed a lower court's ruling that Nevada's geographic distribution signature requirement (by congressional district) does not violate the Equal Protection Clause or the First Amendment of the *U.S. Constitution*.

REFERENDUM ON EXISTING STATE LAW\*  
*Action by the Voters 1908-2016*

<i>Year of Election</i>	<i>Topic</i>	<i>Election Result</i>
1908	Police bill	Passed
1930	Rabies Commission law	Failed
1934	Fish and game law	Passed
1956	Sales and Use Tax Act	Passed
1990	Abortion law	Passed

\*Referendum to approve or disapprove an existing law was added to the *Nevada Constitution* in 1904.

Current Initiative and Referendum Issues and Concerns—Pros and Cons

Opinions concerning the I&R process vary widely. While many view the I&R process as a fair way for citizens to actively and directly influence the law making process, others believe that I&R diminishes the political strength and traditional power of legislative bodies. In recent years, others have also observed that I&R has become a popular method for well-financed special interests to pursue their agendas in State and local politics. Advocates for I&R argue that the use of the initiative process is positive—it means that citizens are using it as a tool to implement new laws and reforms that the Legislature is unable or unwilling to enact. Meanwhile, critics of I&R counter that the process asks voters to make simple “yes” or “no” decisions about complex issues without expert analysis or the benefit of consideration by an elected body of competing needs and other impacts. Opposing interests, some believe, are often not fully contemplated in the initiative process.

On the other hand, proponents argue that the I&R process not only results in policy changes but also increases citizen involvement with government—people are not only more aware of policy issues but are also more likely to vote. Finally, the I&R process has brought forth a number of concerns in recent years. Some state legislatures seem to be struggling to find ways to: (1) prevent fraud in the signature gathering process; (2) disclose information about who pays for initiative campaigns; and (3) add flexibility to the process to accommodate more debate, deliberation, and compromise.

Amendments to the Sales and Use Tax Act of 1955

The Sales and Use Tax Act, approved by the Nevada Legislature in 1955, established a 2 percent State tax on retail sales. Its approval was challenged by referendum the following year, but Nevada’s voters approved retention of this law and tax. Because of the subsequent referendum approval, the 2 percent rate and exemptions thereto may not be changed without voter approval.

Between 1956 and 2016, 30 proposals were submitted to the voters to change or create exemptions to the tax. Twelve of these proposals were approved, all of which concern specific tax exemptions.

The Nevada Legislature later added two separate taxes on retail sales to help defray costs associated with the provision of public services in a rapidly growing state—the Local School Support Tax (1967) and the City-County Relief Tax (1969). Each tax now is levied at 2.25 percent. Because these two taxes were established by legislative action, without a referendum of the voters, they may be changed at any time by the Legislature.

### Bond Issues

State law allows the Legislature to approve directly the issuance of State bonds for specific public purposes. Alternatively, the Legislature may refer such bond questions to a vote of the people. State bonds may be issued in any amount that is not contrary to the limit of indebtedness imposed by the *Nevada Constitution* (2 percent of the assessed valuation of the State). Unless a proposal comes under a constitutional exemption provided for the protection of Nevada's natural resources, neither the Legislature nor the people may approve a measure that would cause the State to exceed the 2 percent debt limit.

Between 1950 and 2016, nine separate bond issues were referred to the voters, seven of which were approved. For example, the voters in 1984 approved the issuance of up to \$10 million in State general obligation bonds for constructing and expanding public libraries around the State. In 2002, voters approved the issuance of general obligation bonds, not to exceed \$200 million, in order to preserve water quality, restore and improve parks, and protect open space, lakes, rivers, wetlands, and wildlife habitat.

### Advisory Questions

The Legislature may, by law, submit a nonbinding advisory question to the voters. The procedure only has been used twice since 1950. In 1978, the concept of an Equal Rights Amendment was rejected by a majority of the voters. In 1997, the Legislature referred a ballot question to voters relating to Nevada Day being observed on the last Friday of October instead of October 31. Voters, by advisory vote, supported the change with a vote of 214,653 to 193,875. Therefore, the 1999 Legislature changed the law with an effective date of October 2000.

## “NONE OF THESE CANDIDATES”

By ROBERT E. ERICKSON

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The 1975 Nevada Legislature approved a bill that gave voters the option of voting for “none of these candidates” for all public offices elected statewide.

This option appears on both primary and general election ballots for the offices of United States President and Vice President, United States Senator, Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, State Controller, and Justice of the Nevada Supreme Court.

State Assemblyman Don Mello sponsored the 1975 legislation to stimulate voter turnout by providing an alternative to voting for candidates who are either not popular or little known. Another goal of the measure is to allow voters to express dissatisfaction with the quality of candidates or the nature of election campaigns. Its provisions, which are found in *Nevada Revised Statutes* 293.269, require that the actual candidate receiving the most votes is elected or nominated, regardless of the number of votes cast for “none of these candidates.” In 2014, “none” finished first in the Democratic primary for Governor, garnering 29.96 percent of the total vote, while the top actual candidate tallied 24.77 percent.

In general, the “none” line on the ballot has attracted greater support in primary than general elections. It has been suggested that voters may feel freer to cast such ballots in primary elections when candidates are being nominated rather than when offices are actually filled. For example, “none of these candidates” finished first, with 47.3 percent of the vote, against two candidates in the 1976 Republican primary for Representative in Congress, which was a statewide office at that time. In 1986, “none” again finished first, against five candidates, in the Democratic primary for State Treasurer. “None of these candidates” also may influence highly contested statewide races that are decided by only a few votes. For example, in the 1998 contest for U.S. Senator, incumbent Harry Reid (D) was reelected to that office over challenger John Ensign (R) by 428 votes as compared to 8,125 cast votes for “none.”

A June 2012 lawsuit challenged the constitutionality of the Nevada law. The U.S. District Court subsequently agreed with plaintiffs and struck down the law. In September 2012, the Ninth U.S. Circuit Court of Appeals issued an emergency stay preventing implementation of the district court’s order, thus allowing the “none” option to remain on the 2012 General Election ballot. In July 2013, the Court of Appeals dismissed the earlier lawsuit, thus retaining “none of these candidates” as a valid provision in Nevada State law.

Although “none of these candidates” has not been the top vote-getter for an office in the general election, it has been a popular option in certain races. In 1994, for example, “none” garnered 89,235 votes (24.1 percent of total) in the election for Supreme Court Justice, Seat C.

Although other states have expressed interest in the alternative of “none of these candidates,” Nevada is the only state to have enacted it into law.

## RECALL OF PUBLIC OFFICERS

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The purpose of a recall election is to remove an elected official from office before the end of the official’s term. The recall process was added to the *Nevada Constitution* in 1912 (Article 2, Section 9). Nationwide, 19 states plus the District of Columbia permit the recall of state officials, while 29 states allow for the recall of local officers (some sources place the number of states that allow for the recall of local officials at 36). In Nevada, both State and local officials are permitted to be recalled. Representatives in Congress and United States Senators are not subject to the State’s recall laws, according to the *U.S. Constitution*, must be expelled by their colleagues to be removed from office.

In Nevada, most public officials may not be subject to a notice of intent to recall within the first six months of their term. The lone exception is State legislators, who may have a notice of intent filed against them following the first ten days of their first legislative session. If an unsuccessful recall election is held, the same public official cannot be subject to another recall effort during his or her term of office, unless those seeking a recall pay for the cost of an additional special election (Article 2, Section 9). However, should a recall attempt fail due to a lack of valid petition signatures, another notice of intent may be filed at any time.

The process to recall an elected official in Nevada is difficult, at best. Before gathering any signatures, a “committee for the recall of a public officer” must first file a notice of intent with the proper filing officer—the Secretary of State (for statewide and multi-county offices), County Clerk/Registrar of Voter (for county offices), or City Clerk (for city offices). The filing officer informs the recall committee how many valid signatures (registered voter who resides in

the jurisdiction: State, county, district, or city) are necessary for the recall petition to be deemed sufficient, with this number being equal to 25 percent of the number who actually voted in the jurisdiction the office represents at the election in which the officer was elected.

The 25 percent standard has varied over the years. Originally, the 25 percent threshold was based on the number of voters who voted in the last general election for a Supreme Court Justice within the particular jurisdiction. Believing that number was too easy to reach (due to the fact that many citizens did not vote in Supreme Court races), in 1970, by a vote of the people, the mark was established as 25 percent of the voters who cast a ballot in the preceding general election. The benchmark was again changed in 1996 to 25 percent of the people who voted in the general election at which the official was elected to office.

All recall petition documents must be turned in at the same time within 90 days of the filing of the notice of intent to recall, even if an insufficient number of signatures are contained on the documents. Failure to turn in all documents in a timely manner is punishable as a misdemeanor. Once the petition is turned in, the signature verification process outlined in *Nevada Revised Statutes* (NRS) 293.1276 through 293.1279 is followed and the results are submitted to the appropriate filing officer.

Following the filing of a notice of intent to recall, qualified citizens who wish to appear on the ballot as a candidate for that office should a recall election be held may begin collecting valid signatures on a nominating petition. As with the recall petition, a minimum valid number of signatures equaling at least 25 percent of the number who actually voted in the jurisdiction the office represents at the election in which the officer subject to recall was elected must be obtained on the nominating petition for the candidate to gain ballot access.

In Nevada, if a recall election is held, there are three possible results: (1) the recall is unsuccessful and the elected official retains his or her office; (2) the recall is successful, the elected official is removed from office, and a vacancy in the office is created; or (3) the recall is successful, the elected official is removed from office, and a candidate who appeared on the recall ballot is duly elected to fill that position.

If there are no other candidates nominated, the special election ballot will include the public official's name and office and the words "For Recall" and "Against Recall." Voters choose one or the other. A simple majority vote is needed to recall the officer. If a recall election is successful and no other candidates appear on the recall election ballot, the appropriate governing body appoints someone to fill the vacancy until the next general election.

If there are other candidates who have qualified for the recall election, the ballot will include the public official's name and office and the other candidate(s) name. The words "For Recall" and "Against Recall" are omitted; voters simply choose for which candidate to cast their ballot. Again, a simple majority vote is sufficient.

Although many notices of intent to circulate recall petitions have been filed in order to initiate the recall process in Nevada, a sufficient number of valid signatures is rarely collected to qualify for recall election. As an example, between 2007 and 2016, more than 45 notices of intent to recall were filed in this State. Of those, only four recall petitions resulted in an election being called, with a total of one elected official actually being recalled by the voters.

No statewide elected official has been subject to a recall election in Nevada. However, voters have used their recall right to remove local elected officials from office in 15 of Nevada's 17 counties (the 2 counties in Nevada that have not had a recall election are Carson City and Churchill). Based on history, the public officials most susceptible to successful recalls in Nevada are school board trustees, city council and town board members, general improvement district and local board members, and sheriffs, with school board trustees the most likely to be removed from office and sheriffs the least likely.

According to incomplete records from the Secretary of State's Office, Ken Ellsworth, Sheriff of Pershing County, is the only elected official in Nevada to have faced two recall elections. At a 1976 recall election, Ellsworth was retained, but in 1977, he was voted out of office during a special election held as a result of a recall effort.

The following is a list of recall election results from 1927 through 2016. This list is by no means complete. It is the best list that could be compiled from available records.

#### RECALL ELECTIONS

<b>Elko County - Carlin Town Board—May 3, 1927</b>		
	Votes for	
J. W. Puett (Recalled)	97	
C.B. Smith (Elected)	104	
<b>Clark County - Las Vegas Mayor—April 23, 1930</b>		
	Votes for Recall	Votes Against Recall
J. F. Hesse	629	768



<b>Esmeralda County - District Attorney—February 21, 1956</b>		
	Votes for Recall	Votes Against Recall
Peter Breen	22	161
<b>White Pine County - School Board Trustee—April 9, 1964</b>		
	Votes for Recall	Votes Against Recall
George Egbert	1,631	598
William J. Walker	1,534	686
Gardner Scow	1,603	622
Marshall Dale	1,625	605
All four members were replaced by appointees.		
<b>Clark County - Boulder City Mayor—December 22, 1965</b>		
	Votes for	
John A. Batchelor (Retained)	879	
Henry Curtis	786	
<b>White Pine County - School Board Trustee—November 4, 1975</b>		
	Votes for Recall	Votes Against Recall
Arthur Anderson	1,493	1,693
M. Burrell Bybee Jr.	1,397	1,762
(Mr.) Kaye Kirkeby	1,391	1,755
Harry Londos	1,403	1,749
<b>Pershing County - Sheriff—August 31, 1976</b>		
	Votes for Recall	Votes Against Recall
Ken Ellsworth	520	716
<b>Clark County—1976</b>		
N. Las Vegas Mayor—Perhaps during or after September 1976, C.R. (Bud) Cleland was recalled (Actual vote results unavailable).		
N. Las Vegas City Council Member—Perhaps during or after September 1976, Dan Gray was recalled (Actual vote results unavailable).		
Las Vegas City Council Member—Perhaps during or after September 1976, Wendell Waite was recalled (Actual vote results unavailable).		
<b>Eureka County - Sheriff—April 5, 1977</b>		
	Votes for	
Tommy Cunningham (Recalled)	211	
Jack Emery (Elected)	219	
<b>Douglas County - Sheriff—June 14, 1977</b>		
	Votes for Recall	Votes Against Recall
Dick Canatsey	2,679	479

<b>Pershing County - Sheriff—September 13, 1977</b>		
	Votes for Recall	Votes Against Recall
Ken Ellsworth	639	555
<b>Nye County - Sheriff—January 5, 1980</b>		
	Votes for Recall	Votes Against Recall
Joni Wines	1,728	959
<b>Storey County - District Attorney—October 30, 1984</b>		
	Votes for	
Marshall Bouvier (Recalled)	133	
Tom Wright (Elected)	497	
<b>Eureka County - Sheriff—April 1985</b>		
	Votes for	
Bruce D. Carlson (Recalled)	160	
Kenneth E. Jones (Elected)	252	
Rand Nelson	40	
<b>Nye County - District Attorney—January 4, 1989</b>		
	Votes for Recall	Votes Against Recall
Phil Dunleavy	1,435	1,602
<b>Douglas County - Genoa Town Board—November 26, 1991</b>		
	Votes for	
Dave Beres (Retained)	77	
Ron Funk (Retained)	88	
Frank Saunders (Retained)	76	
Beverly Butler	53	
Mark Jackson	53	
Richard Welze	36	
<b>Eureka County - District Attorney—September 1, 1992</b>		
	Votes for	
Bill Schaeffer (Retained)	291	
Patty Cafferata	274	
<b>White Pine County - Mayor of Ely—Perhaps in fall of 1992</b>		
	Votes for Recall	Votes Against Recall
Bill Schaeffer (Retained) (Actual vote results unavailable)		

<b>Esmeralda County - County Commissioner—1994</b>		
	Votes for Recall	Votes Against Recall
Leland Wallace (Recalled) (Actual vote results unavailable)		
Frank Smith (Elected)		
<b>Lincoln County - County Commissioner—February 1, 1994</b>		
	Votes for Recall	Votes Against Recall
Floyd R. Lamb	729	686
<b>Clark County - Mesquite Mayor—May 10, 1994</b>		
	Votes for Recall	Votes Against Recall
Bill Lee	454	354
<b>Lincoln County - School Board Trustee—April 4, 1995</b>		
	Votes for Recall	Votes Against Recall
Sandra Hulse	456	533
<b>School Board Trustee—April 4, 1995</b>		
	Votes for Recall	Votes Against Recall
Maggie Orr	432	559
<b>White Pine County - School Board Trustee—June 26, 1995</b>		
	Votes for Recall	Votes Against Recall
Rhoda Godfrey (recalled)	647	552
Karla Hansen (recalled)	693	501
<b>Lincoln County - County Commissioner—July 11, 1995</b>		
	Votes for	
Eve Culverwell (Retained)	793	
Paul T. F. Freund	602	
Robert S. Maxwell	5	
<b>Esmeralda County - School Board Member—May 17, 1996</b>		
	Votes for Recall	Votes Against Recall
Steve Stout	284	49
<b>Mineral County - Clerk/Treasurer—December 10, 1996</b>		
	Votes for Recall	Votes Against Recall
Steve Bowles	660	358
<b>Lander County - County Commissioner—September 17, 1997</b>		
	Votes for Recall	Votes Against Recall
Jim Fouts	390	482

<b>Lincoln County - District Attorney—March 10, 1998</b>		
	Votes for Recall	Votes Against Recall
Thomas A. Dill	480	349
<b>Washoe County - Palomino Valley General Improvement District Trustee—September 1, 1998</b>		
	Votes for	
George Newell (Recalled)	103	
Lee Wells (Elected)	234	
<b>Nye County - Mayor of City of Gabbs—November 3, 1998</b>		
	Votes for Recall	Votes Against Recall
Myrna Lumsden (Retained) (Actual vote results unavailable)		
<b>Lander County - Kingston Town Board Member—May 14, 1999</b>		
	Votes for Recall	Votes Against Recall
Eleanor K. Miller-Kirkpatrick	31	23
<b>Esmeralda County - District Attorney—September 17, 1999</b>		
	Votes for	
Bob Reeve (Recalled)	203	
Harry Kuehn (Elected)	225	
<b>Humboldt County - Golconda Fire Protection District Board—October 8, 1999</b>		
	Votes for Recall	Votes Against Recall
Don Stewart	48	38
<b>Golconda Fire Protection District Board—October 8, 1999</b>		
	Votes for Recall	Votes Against Recall
Dolores Shields	45	40
<b>Nye County - Public Administrator—January 5, 2000</b>		
	Votes for Recall	Votes Against Recall
R. (Red) Dyer	959	2,748
<b>Douglas County - Indian Hills General Improvement District—July 18, 2000</b>		
	Votes for Recall	Votes Against Recall
Renee R. Haskell	259	125
Joanne Riekenberg	264	119
Both were replaced by appointees.		

<b>Clark County - Mesquite Mayor—August 7, 2000</b>		
	Votes for Recall	Votes Against Recall
Chuck Horne	919	1,351
<b>Elko County - West Wendover City Council Members—November 7, 2001 (Election was At-Large)</b>		
	Votes for	
James Eveleth (Recalled)	120	
Joel Murphy (Recalled)	69	
Lori Cook (Elected)	136	
Michael Gunter (Elected)	150	
Bob Fox	122	
<b>Storey County - Canyon General Improvement District—January 16, 2002</b>		
	Votes for Recall	Votes Against Recall
Pat Shannon (Recalled)	136	128
Marvin Clark (Seat 1A)	126	136
Robert Schnaufer (Seat 1B)	124	139
Dave Cockerton (Seat 2A)	129	135
<b>Mineral County - School Board Trustees—April 15, 2003</b>		
	Votes for Recall	Votes Against Recall
Don Dockery	569	175
<b>Elko County - Carlin City Council Member—June 26, 2003</b>		
	Votes for	
Ruth Hart (Recalled)	93	
Donnaetta Skinner (Elected)	156	
<b>Clark County - Boulder City Mayor—April 6, 2004</b>		
	Votes for	
Robert Ferraro (Retained)	3,321	
William Smith	2,223	
<b>Boulder City Council Member—April 6, 2004</b>		
	Votes for	
Michael Pacini (Retained)	3,367	
Arnold McLean	2,158	

<b>Clark County - Las Vegas City Council Member, Ward 1—January 25, 2005</b>	
	Votes for
Janet Moncrief (Recalled)	2,059
Vicki Quinn	1,972
Lois Tarkanian (Elected)	2,869
<b>Eureka County - District Attorney—November 7, 2006</b>	
	Votes for
Theodore (Ted) Beutel (Retained)	453
Paul G. Yohey	264
<b>Lyon County - Fernley City Council Member—October 9, 2009</b>	
	Votes for
Robert (Bob) Chase (Elected)	97
Monte Martin (Recalled)	58
<b>Lyon County - Fernley City Council Member—November 6, 2009</b>	
	Votes for
Curt Chaffin (Retained)	195
Susan Seidl	181
<b>Clark County - Las Vegas City Council Member, Ward 6—January 31, 2012</b>	
	Votes for
Byron Goynes	1,845
Steven Ross (Retained)	4,319

## CAMPAIGN PRACTICES

By DALE A.R. ERQUIAGA  
Former Chief Deputy Secretary of State

Updated by RENEE L. PARKER  
Former Chief Deputy Secretary of State

Updated by WAYNE THORLEY  
Deputy Secretary of State for Elections, Secretary of State's Office

During the Silver Party's rise to prominence in Nevada in the 1890s, an emerging progressive movement pushed a comprehensive political reform and regulatory act in the 17th Legislature. In 1895, lawmakers adopted "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing the punishment thereof." This law was quite rigid and strict compared to Nevada's current campaign practice laws.

For example, under the "Purity of Elections Law," a candidate had to have five persons who would accept, in an affidavit, that they would be responsible for the financing of a candidate's campaign. Today, candidate campaign finance committees are no longer required by law and most candidates administer their own finances during their campaigns. Also under the Silver Party's Purity of Elections Law, extensive reports naming amounts and contributors were mandatory and neglect was punishable not only by misdemeanor penalties but forfeiture of office upon conviction. If it could be established that a candidate's reports were indeed lacking prior to the issuance of a certificate of election, the law provided that no certificate was to be issued. Exact detail in the accounting of all expenditures and contributions was specifically provided for in the act. Today, a candidate need only be specific about those contributions received in excess of \$100, and specific penalties for noncompliance are not stated.

An example of the minute details demanded by the Purity of Elections Law law is found in Section 10 of the act: "Every bill, placard, poster, pamphlet or other printed matter having reference to an election or to any candidate, shall bear upon the face thereof the name and address of the printer and publisher thereof, and no payment therefor shall be made or allowed unless such address is so printed." Prohibitions and penalties were specifically detailed throughout the act. It was unlawful for a person or for someone through another person to promise a certain appointment of office; present gifts; receive gifts; advance money; pay room and board; aid in the evasion of arrest; or induce another to vote for any particular person.

Limitations on the spending of campaign funds included in the Purity of Elections Law suggest a certain naive frugality among the Silver Party legislators.

If the term of office for which the person is a candidate be for two years or less, five percent of the amount of one year's salary of the office; if the term be for more than two years and not more than four years, four per cent of the amount of one year's salary for the office; if the term be more than four years, three percent of the amount of one year's salary of the office.

Computing spending limitations for today's candidates based upon the Purity of Elections Law and modern salaries, a candidate for governor would be permitted to spend only \$6,000 on his or her campaign. Using the same formula, a legislative candidate for the Assembly would be restricted to a mere \$450 for his or her campaign. In contrast, spending by an individual candidate today for major statewide office routinely exceeds \$1 million, while spending by a candidate for State Senate or Assembly can exceed \$500,000.

The fate of the Purity of Elections Law was much the same as that of the Silver Party. After a modest amendment to raise the spending limitations in 1897, the Legislature, during the 19th Session in 1899 passed the following: "An Act of the Legislature of the State of Nevada entitled An Act to promote the purity of elections by regulating the conduct thereof and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto and providing for the punishment thereof approved March 16, 1895, is hereby repealed." (Approved March 21, 1899.)

In 1975, campaign contribution and expense reporting requirements were added back into State law. Then Secretary of State William D. Swackhamer became responsible for designing the campaign reporting forms and administering the Nevada Campaign Practices Act, just as his office had always administered the State's election laws. Essentially, the campaign laws required that candidates report how they raised and spent money during a campaign. Three reports were required. The law required that candidates disclose the name and address of persons who contributed in excess of \$500 (the second highest reporting threshold in the nation at that time). Later regulations, adopted in 1993, extended this disclosure requirement to include the name and address of persons paid more than \$500 for campaign expenses. Attempts to lower the reporting thresholds and more closely regulate the campaign spending of political parties and legislative caucuses were met with defeat. A 1996 constitutional amendment resulting from a citizens' initiative petition and sweeping legislative reform spearheaded by Secretary of State Dean Heller in 1997 took the issue further. Reporting thresholds were lowered to \$100, political party activities were regulated, and new caps were established.

During the late 1990s and early 2000s, additional campaign practice reforms were adopted, including an annual contribution and expenditure report in addition to reports during the election cycle; reporting of contributions in excess



of \$10,000 by candidates who receive the contributions in any year before the general election; reporting of in-kind contributions; categorization of expenditures; reporting by ballot advocacy groups; reporting by persons or groups of persons who initiate or circulate certain statewide petitions if they receive or expend in excess of \$10,000 to support such activities; and registration of nonprofit corporations that solicit contributions or make expenditures designed to affect the outcome of an election or ballot question. In addition, the campaign finance reporting laws were amended to strengthen the Secretary of State's ability to enforce them by adding civil penalties for failure to file or filing late.

In 2007, the Nevada Legislature passed Senate Bill 548 (Chapter 483, *Statutes of Nevada*), which requires that certain published statements that expressly advocate for the election or defeat of a clearly identified candidate contain a disclosure of who is responsible for publishing the statement. In 2011, the Legislature approved a bill that requires all campaign finance reports be filed online with the Secretary of State's Office. The 2011 Legislature also made changes to the campaign finance reporting dates so that five individual reports are now required by each candidate throughout an election year. Additionally, the 2011 Legislature gave the Secretary of State more authority to investigate alleged violations of the Campaign Practices Act.

During the 2013 and 2015 Legislative Sessions, the Legislature adopted various minor changes to the State's campaign finance laws, including requirements for former elected officials and candidates to dispose of campaign funds after a certain amount of time. Provisions have also been added to the law to address specific circumstances that have been used to circumvent reporting requirements, such as prohibiting persons from making, assisting in making, or accepting contributions in the name of another person, and restrictions on persuasive polling. More substantive changes have been discussed, such as real-time reporting of contributions and disclosure of beginning and ending balances, but these reforms have not been approved by lawmakers as of 2016.

## ETHICS AND ACCOUNTABILITY IN GOVERNMENT

By YVONNE M. NEVAREZ-GOODSON, Esq.  
Executive Director, Nevada's Commission on Ethics

The Nevada Ethics in Government Law set forth in Chapter 281A ("Ethics Law") of *Nevada Revised Statutes* (NRS) establishes a statutory code of conduct governing conflicts of interest for Nevada's elected and appointed public officers and employees (except judges). The Nevada Legislature has declared that public office is a public trust to be held for the sole benefit of the people (NRS 281A.020[1][a]). In particular, the Nevada Legislature has recognized the close ties between government and private life and enterprise to trigger conflicts

of interest between public duties and private interests (NRS 281A.020[2][a]). Thus, the Ethics Law establishes guidelines for the appropriate separation between the roles of persons who are both public servants and private citizens to enhance the people's faith in the integrity and impartiality of public officers and employees (NRS 281A.020[2][b]). To promote, interpret, and enforce the Ethics Law, the Legislature created Nevada's Commission on Ethics (NRS 281A.200).

The early 1970s marked a trend in the enactment of government ethics laws at the state and local levels. At the time of Nevada's original enactment of the Ethics Law in 1975, approximately 16 other states had established statutory codes of conduct intended to prohibit government corruption in systems otherwise marred with historical unwillingness by state and local prosecutors to prosecute political corruption, primarily inhibited by political and/or partisan pressures. The public became distrustful of government, and modern jurisdictions began establishing independent and bipartisan commissions to enforce ethics laws.

The earliest legislative enactments focused on money and secrets as the main infringement of the public trust, wherein the public believed money bought political action and public business was conducted behind closed doors. In other words, the laws reflected concerns about pecuniary conflicts of interest and transparency in government decisions at all levels of government. By tackling these issues, the legislatures sought to dispel the public's suspicions and beliefs that cronyism and corruption accompanied the democratic system. Nevada joined these efforts in 1975 with the Ethics Law and has consistently revised the provisions governing conflicts of interest since the law's enactment. In fact, most, if not all, states and several local government jurisdictions have, by now, enacted similar conflicts of interest statutes and established independent, bipartisan boards or commissions to enforce the provisions.

Notably, Nevada has specifically recognized a strong citizen-based form of representative government. Most of Nevada's State and local government policymakers are:

. . . "citizen Legislators" who have other occupations and business interests, who are expected to have particular philosophies and perspectives that are necessarily influenced by the life experiences of the Legislator, including, without limitation, professional, family and business experiences, and who are expected to contribute those philosophies and perspectives to the debate over issues with which the Legislature is confronted. (NRS 281A.020[2][c])

Consequently, the Commission on Ethics must balance the legislative intentions to prohibit conflicts of interest while simultaneously appreciating the personal life experiences for which certain public officers are elected to represent the public.

Any effort by a public officer or employee to realize personal gain through public office constitutes a violation of the public's faith and integrity of government on behalf of the represented public. Although the part-time nature of most elected and appointed public offices in State and local government cannot escape the inevitable encounter with private interests, the public expects and demands open, transparent, and accountable government. The Ethics Law and the role of the Commission model efforts by each jurisdiction in the nation and the federal government to ensure fair and independent actions by government representatives.

The Nevada Legislature has identified three types of personal interests that trigger conflicts of interest under the Ethics Law: (1) significant pecuniary interests; (2) the private interests of certain persons to whom the public officer or employee is related or affiliated (e.g., familial, household, business, or employment); and (3) the acceptance of gifts and loans. A public officer or employee making any decision in an official capacity that may affect a private interest has a conflict of interest subject to the Ethics Law. A public officer has a duty to avoid such conflicts, and the Ethics Law establishes necessary boundaries, duties, and prohibitions governing such conflicts, primarily through appropriate public disclosures of private interests.

The Ethics Law has evolved since 1975 to satisfy various constitutional challenges and clarify the standards of conduct applicable to public officers and employees. The Ethics Law originally focused on financial disclosure statements and has broadened to its current provisions, which include prohibitions against improperly using or abusing government authority, access, resources, subordinates, or other information to benefit a private interest described above (NRS 281A.400). Furthermore, public officers and employees are prohibited from entering into certain contracts with government agencies (NRS 281A.430). The provisions of NRS 281A.410 and 281A.550 limit representation of private clients in certain government activities and prohibit certain private employment after leaving public service. Finally, several other provisions prohibit the acceptance of gifts, favors, and other forms of compensation (NRS 281A.400) or honorariums (NRS 281A.510) and causing government expenditures to support or oppose ballot measures or candidates (NRS 281A.520).

Finally, the Ethics Law provides significant guidance requiring formal disclosures of conflicts and proper abstentions (NRS 281A.420). Such disclosures formerly included requirements to file with the Commission on

Ethics certain financial disclosure statements listing various private financial interests; however, the Nevada Legislature moved the financial disclosure statement provisions under the jurisdiction of the Secretary of State in 2011. Under the Ethics Law, the disclosure provisions require a public officer or employee to disclose the full nature and extent of any pecuniary interests, including the acceptance of a gift or loan or other private commitments that are reasonably related to matters under consideration in an official capacity. Such disclosures must be made to the public and/or supervisor, as relevant. Abstention (or delegation) is required where official government action would materially affect the private interest.

Nevada's Commission on Ethics performs three main functions:

1. Educate public officers and employees regarding the provisions of the Ethics Law;
2. Interpret and provide guidance to public officers and employees under the Ethics Law regarding their past, present, or future conduct (advisory opinions); and
3. Investigate and adjudicate third-party ethics complaints against public officers and employees.

Although the Commission's primary mission is outreach and education, achieved through training and advisory opinions, the enforcement arm of the Ethics Law requires the Commission to investigate and adjudicate allegations of misconduct, resulting in the public censure of a public officer or employee for nonwillful violations and the imposition of civil penalties for willful violations of Ethics Law. The Commission also has the duty to refer certain public officers and employees for removal from office and/or disciplinary action, as appropriate (NRS 281A.480).

## **LOBBYING PRACTICES IN NEVADA**

By CAROL M. STONEFIELD

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Legislative agents or representatives, commonly known as lobbyists, represent various organizations, interests, and causes before the Legislature. Like the news media, they are important to the legislative process as sources of information, channels of communication between constituents and their representatives, and major protagonists in efforts to influence legislation. They frequently point out concerns in bills, suggest amendments, provide valuable testimony and, in general, assist the Legislature in assessing the merits of proposed legislation.

The activities of lobbyists in Nevada are controlled by the "Nevada Lobbying Disclosure Act" (Chapter 218H of *Nevada Revised Statutes* [NRS]), which

was originally adopted in 1975. The law requires lobbyists to register with the Director of the Legislative Counsel Bureau (LCB) and provide certain information about themselves and the groups or individuals they represent. The provisions of the Act exempt from these requirements members of the media, elected officials of Nevada who confine their activities to matters directly related to their elective office, employees of the Nevada Legislature, employees of State and local government, and constituents of individual legislators who contact their own legislator. The lobbyist registration fees for a legislative session are \$300 for a paid lobbyist, \$100 for a lobbyist representing only nonprofit organizations, and \$20 for an unpaid lobbyist. There is no lobbyist registration fee for an unpaid lobbyist who is a veteran.

A lobbyist must file a report each month during a legislative session and within 30 days after the close of a session concerning his or her lobbying activities. Each report must include the total expenditures for the month and, if the lobbyist had expenditures of \$50 or more during the month, the report must itemize expenses in connection with any event hosted by an organization that sponsors the registrant; expenditures for entertainment, gifts, and loans; and other expenditures directly associated with legislative action. With the exception of expenditures associated with a function to which every legislator was invited, the reports must identify the legislators on whose behalf the expenditures were made. Data on each lobbyist's personal expenditures for food, lodging, and travel expenses or membership dues are not required in the monthly reports. Violation of the Act is a misdemeanor.

Revisions enacted by the Legislature in 2015 require lobbyists to disclose expenditures made for educational or informational meetings, events, or trips provided to legislators, public officers, and candidates. The Legislature also revised the definitions of "expenditure" and "gift" as those terms relate to reporting by lobbyists and public officers. A lobbyist shall not knowingly or willfully give any gift to a member of the Legislative Branch or a member of the legislator's family, and a member shall not accept any gift from a lobbyist. This prohibition applies whether or not the Legislature is in session.

Other sections in NRS also address improper influence exerted upon legislators. For example, any person who interferes with the legislative process is guilty of a gross misdemeanor. Any person who improperly obtains money or other things of value to influence a member of a legislative body in regard to any vote or legislative action also is guilty of a gross misdemeanor. It is a misdemeanor to misrepresent any fact knowingly when testifying or otherwise communicating to a legislator, though witnesses are absolutely privileged to publish defamatory material that is relevant to a proceeding. Moreover, both the giving of a bribe to a legislator and receiving a bribe are crimes against the legislative power and are subject to severe punishments under the law. Although lobbying activities

are customarily prohibited on the floor of both chambers, lobbyists may appear before any committee of the Legislature.

Upon leaving office, some legislators have chosen to become lobbyists. To slow down this practice, known as “the revolving door,” the Legislature enacted legislation in 2015 to prohibit any former legislator from receiving compensation to lobby before the Legislature for a period beginning when the legislator leaves office and ending at the adjournment of the next regular session. Exemptions are provided for a former legislator if lobbying is a duty of the individual’s full-time employment and the former legislator does not act as a lobbyist for any other employer or client.

### OPEN MEETING LAW

By JENNIFER RUEDY

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Nevada’s first Open Meeting Law (OML) was enacted in 1960 and is codified in Chapter 241 (“Meetings of State and Local Agencies”) of *Nevada Revised Statutes* (NRS). The purpose of the OML is set forth in NRS 241.010:

In enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

In the years following the Watergate scandal, Nevada strengthened its OML making it one of the strongest open meeting laws in the United States because there are so few exceptions to the general rule that all meetings of public bodies must be open to the public. In 1977, the Nevada Legislature approved a comprehensive OML as a tool to require public bodies to operate openly. The few statutory exceptions for certain entities from the OML include the Legislature, certain meetings of the State’s Commission on Ethics, the Nevada Commission on Homeland Security, and committees appointed by the Chair of the Commission. Exceptions also exist for student expulsion hearings by school boards, certain labor negotiations, and investigative hearings of the State Gaming Control Board. The 2015 Legislature authorized a board of hospital trustees of a county hospital to hold a closed meeting to discuss: (1) providing a new service or materially expanding an existing service; or (2) acquiring an additional facility or materially expanding an existing facility.

There is not extensive case law interpreting Nevada’s OML. However, the Office of the Nevada Attorney General has enforced the OML since its inception,

and the Attorney General continues to ensure that the people's business is done openly by providing the public, public bodies, and legal practitioners with the Nevada Open Meeting Law Manual (Manual) and official Attorney General Opinions interpreting Nevada's OML. The most recent issue of the Manual was published in January 2016. The Attorney General convenes a task force in between legislative sessions to review the OML, and its work has often resulted in bill draft requests to the Nevada Legislature. Over the years, the Legislature has made changes to the OML to ensure transparency and public accessibility while adapting to new technology, such as allowing participation in public meetings via telephone or video conference.

In 2001, Nevada's OML was amended to provide a limited exemption for communications between a public body and its legal counsel on potential or existing litigation. Attorney-client discussions are not considered meetings and, therefore, no notice or agenda is required. However, according to the most recent edition of the OML Manual, a public body may only take action on potential or existing litigation matters in an open meeting. In 2005, the Legislature made several significant changes relating to closed meetings, including allowing a person who is the subject of a closed meeting to waive closure of the meeting and requiring a public body to honor such a request. Meetings may not be closed to discuss the character, conduct, or competence of an appointed public officer or a person who serves at the pleasure of a public body or as a chief executive or administrative officer. This includes county and city managers, school district superintendents, and university and college presidents.

In 2013, the Legislature amended the OML to clarify that any other provision of law which: (1) exempts a meeting, hearing, or proceeding from the requirements of the OML; or (2) otherwise authorizes or requires a closed meeting, hearing, or proceeding prevails over the general provisions of the OML. Assembly Bill 433 of the 2007 Legislative Session also clarified when certain bodies may meet in closed session and also clarified that any meeting of a public body closed pursuant to a specific statute may only be closed to the extent specified in law. In the 2009 Session, S.B. 267 clarified that workshops and public hearings on proposed regulations by State agencies, as required by Chapter 233B ("Nevada Administrative Procedure Act") of NRS, are subject to the provisions of the OML. Assembly Bill 59 of the 2011 Legislative Session also clarified that proceedings of a public body that are quasi-judicial in nature are subject to the OML. Exceptions to this provision are meetings of the State Board of Parole Commissioners when acting to continue, deny, grant, or revoke parole of a prisoner.

Finally, Senate Bill 70 of the 2015 Legislative Session revises the laws related to public meetings by: (1) defining a working day as every day of the week except Saturday, Sunday, and legal holidays, even if an agency has a four-day workweek; (2) requiring a public body to certify in writing its compliance



with the requirements for minimum public notice for each of its meetings; and (3) requiring a public body to approve the minutes of a public meeting not later than 45 days after the meeting or at the next meeting of the public body, whichever occurs later. The bill also requires a public body to include on its agenda the name of a person who may be the subject of any type of administrative action by a public body, including administrative actions that are not adverse to a person, such as, for example, the appointment of the person to a position.

The OML recommends corrective action for violations of the law to mitigate the effect of a violation. For example, improper notice can be corrected by rescheduling the meeting. The law states that actions taken in violation of the OML are void, and complaints alleging violations may be brought by private citizens or the Attorney General. Any member of a public body who knowingly violates the open meeting statutes, or wrongfully excludes a person from a meeting, is subject to misdemeanor criminal sanctions (up to six months in jail and/or a fine of not more than \$1,000). Moreover, a member of a public body who is convicted of a violation of the OML must vacate his or her office.

Assembly Bill 59 of the 2011 Legislative Session also made several changes and additions to provisions relating to OML violations. The measure added a civil penalty of not more than \$500 for any member of a public body who participates in an action in violation of the OML with knowledge of the violation. The action may be brought by the Attorney General in any court and must be commenced within one year of the action in violation of the law. Assembly Bill 59 also clarified that the Attorney General shall investigate and prosecute any violation of the OML and is authorized to issue subpoenas when investigating OML complaints. A public body that is subject to an investigation by the Attorney General is required to include on its next agenda an acknowledgement of the Attorney General's findings and conclusions relating to a violation of the OML. In 2013, A.B. 65 amended these provisions by stipulating that the Attorney General may decide not to prosecute a public body's violation of the OML if the body takes corrective action within 30 days of the alleged violation and the corrective action takes place in a public meeting for which the item has been clearly agendaized. The corrective action is deemed to be prospective.

On March 24, 2015, the Washoe County School District Board of Trustees voted to hire Traci Davis as its new superintendent, but the possible action was not clearly posted on its agenda. Despite the violation of the OML, the Attorney General did not pursue prosecution because the Board took immediate corrective action during the same meeting. Instead, the Attorney General levied a \$500 fine against the board, for which the individual members were individually liable for approximately \$71; however, the fine would be waived if the Board did not have any further violations of the OML during the following year.



In 1998, the Nevada Supreme Court prohibited serial gatherings among members of a public body designed to reach a consensus on a particular issue outside an open meeting (*Del Papa v. Board of Regents of the University and Community College System of Nevada*, 114 Nev. 388, 1998). In 2001, the Nevada Legislature passed A.B. 225, which amended the term “meeting” in NRS 241.015 to include:

. . . any series of gatherings of members of a public body at which:  
(I) Less than a quorum is present at any individual gathering; (II) The member of the public body attending one or more of the gatherings collectively constitute a quorum; and (III) The series of gatherings was held with the specific intent to avoid the provision of this chapter.

This definition was amended in 2013 (A.B. 65) to include “whether in person or by means of electronic communication” to address potential serial gatherings in an electronic setting, such as e-mail.

The Nevada Supreme Court was faced with this again in *Dewey v. Redevelopment Agency of the City of Reno*, 119 Nev. 87 (2003). In this case, the Court ruled that although each member of the public body met with city staff in individual private briefings, the public body did not violate Nevada’s Open Meeting Law because a quorum was not present at any one meeting and there was no evidence to indicate that serial communications occurred among the members of the public body to share information received at the briefings. As a result, members of a public body may meet in private, and they can even lobby each other for votes, but they may not pass on information obtained from one member to other members that total a quorum.

In *Sandoval v. The Board of Regents of the University*, 119 Nev. 148 (2003), the Nevada Supreme Court considered a different issue. In this case, the Court interpreted NRS 241.020 and the amount of clarity required by a public body in stating its agenda. The court ruled, “Nevada’s Open Meeting Law seeks to give the public clear notice of the topics to be discussed at public meetings so that the public can attend a meeting when an issue of interest will be discussed.” *Id.* at 153. By this ruling, the Court established the clarity required for a public body’s agenda, and the Office of the Attorney General uses this standard in its interpretations of Nevada’s OML.

Finally, in *Dehne v. City of Reno*, 222 Fed. Appx. 560, 562 (9th Cir. 2007), the Ninth Circuit Court of appeals weighed an individuals’ first amendment right to free speech regarding a willful disruption of a public meeting. The court found that a person who willfully disrupts a meeting to the extent its orderly conduct has been made impractical may be removed from a meeting. The removal of the individual does not violate the Constitution provided that the individual is sufficiently disruptive and is not removed because of his or her expressed views.

Nevada's OML continues to be an issue of primary concern among various public bodies in state and local government. While it will continue to evolve, the OML will always ensure that the people's business is conducted in public forums and with public input.

### Conclusion

John F. Kennedy once said, "If we are strong, our strength will speak for itself. If we are weak, words will be of no help." Actively encouraging accountability in Nevada government through strong enforcement of ethics, lobbying, and open meeting laws continues to be a priority to ensure both the confidence of the public and the retention of its trust.

## WOMEN IN NEVADA POLITICS

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In 1914, Nevada's all-male electorate extended the right to vote to the female citizens of the State. This was not, however, the first year in which women were involved in Nevada politics. Although women could not vote, they were involved in a number of political activities between Nevada obtaining statehood in 1864 and 1914. Of course, after being allowed to vote, women's political participation increased, especially as candidates for elective office at every level of government.

### Early Political Activities

Many Nevada women were as politically active as they could be without voting or running for office. One political arena in which women participated was the State legislature. A famous early lobbyist was Hannah K. Clapp who successfully elicited the support of the Territorial Legislature (1861-1864) to establish the State's first private educational institution. Other women lobbied the Legislature for suffrage and other issues of interest to women and children. Occasionally, these women were allowed to give speeches to the legislators while they were in session. Although they were not allowed to be elected members of the State Legislature, women were involved in other official capacities, beginning when the 1877 Assembly elected Mary E. Wright of Storey County to be a copying clerk.

Women were also involved in local politics, especially school boards. In 1889, the *Constitution of the State of Nevada* was amended to allow women to serve as

school superintendents and school trustees, which were locally elected positions at the time. The records are incomplete, but it appears that women around the State immediately ran for school office. In 1890, women were elected to superintendent positions in Elko and Humboldt Counties and to trustee offices in Lander and White Pine Counties.

For reasons that are unknown at this point, a few women ran for school trustee before the constitutional amendment was approved and at least two women were successful: Helen Bain was elected to Humboldt County's Gold Run District school board in 1882, and Mrs. Lewis was elected to Nye County's White River District board in 1888.

In 1899, the Nevada Legislature approved an appropriation for an important improvement to the Capitol that clearly indicates that women were actively involved in the administration of the State. The General Appropriation Act for the 1899-1901 Biennium included a \$300 allocation "for constructing and furnishing a ladies' toilet in the Capitol Building."

### Suffrage

The most prominent early political arena for Nevada women was their battle to obtain the right to vote. The Nevada Legislature first addressed that issue when it approved the first step toward a constitutional amendment in 1869; however, the required second approval attempt failed in 1871. Suffrage remained a legislative issue during at least 12 of the subsequent sessions, until the voters approved the constitutional amendment in 1914. Rarely did this discussion take place without women's participation. They gave formal speeches, submitted petitions, organized rallies, and lobbied legislators.

Between legislative sessions, women were active in clubs and activities that supported suffrage and other issues of interest, such as the prohibition of alcohol. Many of these activities took place in the public arena.

As with any political debate, there was opposition to suffrage as well. Women were politically active on that side of the issue, too. The Nevada Association of Women Opposed to Equal Suffrage was led by Emma Adams, wife of former Governor Jewett Adams.

Despite such opposition, 60 percent of the State's voting men approved the amendment. The question was approved by the voters in 12 of the State's 16 counties; it failed in Eureka, Ormsby, Storey, and Washoe Counties. As a result, Nevada women obtained the right to vote six years before the national constitution was amended, but later than women in 8 of the 11 western states.

However, the Legislature was not finished with the issue of women's enfranchisement. In 1927, a bill was approved that specifically authorized

married women to register to vote under their own first names and not their husbands'. Such women were required, however, to use the designation "Mrs." Twelve years later, Assemblywoman Luella K. Drumm (D-Churchill) sponsored a successful bill to remove that requirement.

### Women in Elected Office

After obtaining the right to vote, women began to run for offices throughout Nevada.

*Federal Offices*—One of the most famous female candidates for a federal office from Nevada is Anne Martin, who ran as an Independent for U.S. Senator in 1918 and 1920. She received a respectable number of votes but came in third in a field of four candidates during both general elections. No other woman sought this office until Maya Miller entered and lost the Democratic primary in 1974. It was 60 years before another woman's name was on the general election ballot for U.S. Senator: Mary Gojack was the Democratic nominee in 1980. Another 20 years passed before Kathryn Rusco, a member of the Green Party, appeared on the general election ballot in 2000. In 2010, Sharron Angle was the Republican nominee, and in 2012, Shelley Berkley was the Democratic nominee.

Until 1982, Nevada's Congressional Representative was a statewide office. During the 40 years previous to that change, only four women attempted to win this seat. They were all unsuccessful.

Nevada's Congressional District No. 2, was created after the decennial census of 1980 showed that the population had reached a sufficient number for a second congressional district. At the first election for its representative (1982), only women were candidates in the general election. Republican Barbara F. Vucanovich won that election and was re-elected at each subsequent election until her retirement in 1996. During this 16-year period, numerous other women candidates entered the primary and general elections for both congressional seats; however, only Vucanovich was successful. Vucanovich was the first woman elected to a federal office from Nevada, and with seven terms, the State's second longest-serving Congressional Representative. (Democrat Walter S. Baring served 10 terms, 1949-1953 and 1957-1973.)

In 1998, Shelley Berkley (D) was elected to Congressional District No. 1. She served continually in that office until 2012, when she ran and lost her bid to become a U.S. Senator.

Congressional District No. 3 was formed after the 2000 decennial census, and Congressional District No. 4 was added following the 2010 decennial census. Between 2000 and 2014, at least one woman appeared on the ballot

in every general election for at least one of Nevada's congressional districts. In 2008, Dina Titus (D) was elected to represent Congressional District No. 3. She lost her bid for reelection in 2010, but was elected to Congressional District No. 1 in 2012 where she is still serving.

*Statewide Offices*—After passage of the State constitutional amendment, female candidates quickly emerged for statewide offices. In 1916, the ballot for the general election included several women as candidates for the University of Nevada's Board of Regents, which were statewide offices until 1958. Edna Baker, a Republican, defeated a Democrat and a Socialist, both women, with 44 percent of the vote; thus becoming the first woman elected to a statewide office.

Baker did not run for re-election, but she was not the last woman elected to the Board of Regents. Before the regents became district-specific positions in 1957, two other women were elected: Eunice Hood in 1918 and Anna H. Wardin in 1938 (beating incumbent George Wingfield). After becoming district-specific offices, women candidates were more successful in obtaining regent seats: four women have represented the rural areas of the State between 1960 and 1996; and 12 have represented Clark County districts between 1962 and 1996. Only one woman, Frankie Sue Del Papa, has represented a Washoe County district. She was elected in 1980 for one six-year term.

The offices that are more commonly recognized as statewide offices are also called the constitutional officers: Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, and Controller. Women have been candidates for each of these offices, and have been successful in winning all but one of the offices.

Between 1970 and 2014, 17 women appeared on the primary or general election ballots for the office of Governor. The first woman to survive a primary election battle and appear on the general election ballot in a gubernatorial election was Republican Shirley Crumpler in 1974. The first Democratic woman to win a primary election and appear on the general election ballot was Jan Laverly Jones in 1998. She did not win, and to date, no woman has yet won this seat.

The first constitutional seat to be won by a female candidate was Treasurer: Republican Patty D. Cafferata was successful in 1982. Since then, two other women have run for Treasurer, with one being elected. Kate Marshall, a Democrat, served two terms as Treasurer, having been elected in 2006 and reelected in 2010. The first woman on the general election ballot was Clara Cunningham, a Republican who sought the office in 1926.

The office of Controller has had a few candidates; in 1918, Grace M. Wildes lost the Democratic primary as did Mary Sanada 76 years later. Cherie Fields, a

Libertarian, was the first woman to be on the general election ballot for this seat, doing so in 1978. In 1998, two women faced each other on the general election ballot. Republican Kathy M. Augustine defeated Democrat Mary Sanada. Augustine was reelected in 2002. Democrat Kim Wallin was elected Controller in 2006, and she was reelected in 2010.

In addition, few women have sought the Attorney General position. The first woman to run for the office was Democrat Frankie Sue Del Papa, who won in 1990, 1994, and 1998. The only other woman to be elected as Attorney General was Democrat Catherine Cortez Masto who won election in 2006 and reelection 2010.

In 1962, Democrat Maude Frazier was appointed to Lieutenant Governor, a position she held for six months until the 1962 election (in which she did not run). In 1990, Republican Sue Wagner became the first woman elected to this post. The second woman elected was Republican Lorraine Hunt in 1998. In 2002, she was reelected, beating Democrat Erin Kenny in the general election.

The earliest female candidate to run for Secretary of State was Republican Louise S. Ellis, who lost in 1918. The first woman elected to Secretary of State was Frankie Sue Del Papa, winning in 1986. The second was Republican Cheryl Lau, elected in 1990. The third woman elected as Secretary of State was Barbara K. Cegavske in 2014.

During the first half of the twentieth century, other offices were also elected statewide, such as Superintendent of Public Instruction, Inspector of Mines, Superintendent of State Printing, and Surveyor General. By 1973, these offices had become appointive or abolished. The only one of these offices held by a woman was Superintendent of Public Instruction. In 1937, Mildred N. Bray was appointed to fill the empty office. She was re-elected in 1938, 1942, and 1946, but was defeated by Glenn A. Duncan in 1950.

Female candidates also appeared on the statewide ballot as presidential electors. Until the presidential election of 1952, voters chose presidential electors, rather than voting directly for the candidates. Beginning with the presidential election year of 1916, at least one woman was chosen as an elector from Nevada in all but one (1928) such election until 1952.

*Legislative Offices*—The first woman to run for the State Legislature was Jean Dwyer from Washoe County. An Independent, Dwyer came in last in a field of 22 candidates for the Assembly in 1916. Two years later, the first woman was elected to the Legislature: Assemblywoman Sadie D. Hurst, Republican from Washoe County.

In the 65 years between 1916 to 1981, only 42 women were elected to the State Legislature. In the following 33 years, however, the voters' interest in female candidates rose dramatically. Beginning with the 1982 election, 71 women have been elected to legislative office. In the 2015 Session, exactly one-third of the Legislature was female: 16 women were chosen to represent their neighbors in the Assembly; 5, in the Senate.

Like their male counterparts, the women who served in the State Legislature came from all parts of the State, both major political parties, and various occupations. Only Douglas County has not been represented by a woman. Over half of the female legislators have been Democrats. For the 2015 Session, there were 12 Democratic and 11 Republican women. The most common occupation listed has been businesswoman. Other well-represented occupations include teacher, rancher, and housewife. A prospector, a nurse, and an orchestra director have also served. Interestingly, unlike the male legislators, few attorneys are found in the female ranks. The first female attorney in the Assembly served in 1921 (Ruth Averill, R-Nye). In the Senate, the first female attorney was elected in 1992 (Lori Lipman Brown, D-Clark).

In recent decades, women have held many leadership positions in the Legislature, as detailed in the following chart.

LEGISLATIVE LEADERSHIP

ASSEMBLY	
<i>Position</i>	<i>Name (Party-County), Year</i>
Speaker of the Assembly	Barbara Buckley (D-Clark), 2007, 2009 Marilyn Kirkpatrick (D-Clark) 2013
Speaker Pro Tempore	Louise Aloys Smith (D-Pershing), 1951 Karen W. Hayes (D-Clark), 1981 Myrna T. Williams (D-Clark), 1989, 1991, 1993 Jan Evans (D-Washoe), 1995, 1997, 1999 Sandra Tiffany (R-Clark), 1995 Chris Giunchigliani (D-Clark), 2005 Debbie Smith (D-Washoe), 2011
Majority Floor Leader	Barbara Buckley (D-Clark), 2001, 2003, 2005
Assistant Majority Floor Leader	Jan Evans (D-Washoe), 1991 Jeannine Stroth (R-Clark), 1995 Barbara Buckley (D-Clark), 1997, 1999 Marilyn Kirkpatrick (D-Clark), 2011
Minority Floor Leader	Heidi Gansert (R-Washoe), 2009 Marilyn Kirkpatrick (D-Clark), 2015

ASSEMBLY	
Assistant Minority Floor Leader	Barbara K. Cegavske (R-Clark), 1999, 2001
	Heidi Gansert (R-Washoe), 2007
	Teresa Benitez-Thompson (D-Washoe), 2015
	Maggie Carlton, (D-Clark), 2015

SENATE	
<i>Position</i>	<i>Name (Party-County), Year</i>
Assistant Majority Floor Leader	Valerie Wiener (D-Clark), 2011
	Debbie Smith (D-Washoe), 2013
Minority Floor Leader	Dina Titus (D-Clark), 1993, 1995, 1997, 1999, 2001, 2003, 2005, 2007
Assistant Minority Floor Leader	Sue Wagner (R-Washoe), 1983
	Valerie Wiener (D-Clark), 1999
	Bernice Mathews (D-Washoe), 2001, 2003, 2005, 2007
	Barbara K. Cegavske (R-Clark), 2011
	Debbie Smith (D-Washoe), 2015

Women have also been integral to the Legislature’s staff. The first woman to serve as Secretary of the Senate was Vivian Rickey, elected for the 1926 Special Session. The first female Chief Clerk of the Assembly was Theresa Loy, elected in 1969.

*Judicial Offices*—Female candidates were successful relatively early in the bids for Clerk of the Supreme Court, an elected position until 1959. In 1926, Eva Hatton (R) beat the incumbent and served until her defeat in the 1934 election. Hatton was the first woman to beat a male incumbent in a statewide race. Margaret Brodigan (D) was appointed early in 1938, was re-elected in 1938 and 1942, and left office after losing in 1946.

Women were not successful as early in their bids to become judges. The first woman elected District Court Judge in this State was Miriam Shearing in Clark County (1983). The first women elected as District Court Judges in Washoe County were Deborah A. Agosti and Robin A. Wright, both elected two years later. In 2011, two women were appointed to judgeships in rural Nevada. Kimberly Wanker was a District Court Judge for Esmeralda, Mineral, and Nye Counties, and Nancy Porter was a District Court Judge for Elko County. Both women subsequently were re-elected in 2012. In 1992, Shearing became the first woman seated on the State Supreme Court, and in 1997 Shearing became the first female Chief Justice of the State Supreme Court.



*Local Offices*—Since 1914, numerous women have run for, and won, various county and city offices. Many have been appointed to fill open seats; a few have won re-election. As has been the case with executive, legislative, and judicial races, the number of women running for and winning local offices has risen exponentially in the past 20 years.

Based on the data available, the following tables note the first women to hold certain local offices.

<i>County Offices</i>				
<i>Office</i>	<i>Year</i>	<i>Name</i>	<i>How</i>	<i>County</i>
County Commissioner	1915	Dory, Janet E. (D)	Appointed; re-elected	Lander
Sheriff	1919	Crowell, Clara	Appointed; not re-elected	Lander
	1978	Wines, Joni (R)	Elected	Nye
County Clerk	1918	Rawson, Zebina F. (I)	Elected	Lyon
		Keith, Mattie J. (D)	Elected	Elko
	1918	Streshley, Lena E. (D)	Elected	Lander
		Dolan, Eva Succetti (D)	Elected	Lincoln
		Ryan, Katie, J.	Appointed; re-elected	Storey
County Recorder	1916	Millar, Rita D. (D)	Elected	Mineral
		Wilcox, Jennie E. (D)	Elected	Lincoln
		Curieux, Jennie A. (D)	Elected	Nye
Public Administrator	1918	Mills, Pauline (D)	Elected	Esmeralda
Justice of the Peace	1922	Bradley, Ella M.	Elected	Eureka (Palisade)
Assessor	1917	McCarthy, Mary E. (R)	Appointed; re-elected	Clark
Constable	1952	Lee, Lorraine	Elected	Lincoln (Alamo)
County Treasurer	1920	Hoestine, Cora M. (D)	Elected	Humboldt
District Attorney	1918	Plummer, Edna C. (I)	Appointed; re-elected	Eureka
	1982	Shane, Virginia R. (R)	Elected	Humboldt
		Barnett, Eileen (R)	Elected	Lincoln

<i>Municipal Offices</i>				
<i>Office</i>	<i>Year</i>	<i>Name</i>	<i>How</i>	<i>County</i>
City Council	1919	Jahn, Crace	Elected	Lovelock
Mayor	1953	Porter, Dorothy	Appointed	North Las Vegas
	1975	Borden, Wanda	Elected	Carlin
City Treasurer	1931	Pryor, Blanch	Elected	Carlin
Municipal Judge	1981	Wright, Robin	Elected	Reno
City Clerk	1929	Burns, Viola Fanatia	Elected	Las Vegas
City Attorney	1987	Lynch, Patricia A.	Elected	Reno

### Women's Involvement in Politics

In addition to political involvement as voters and elected officials, countless women have served and continue to serve as campaign workers, officials' staff, party leaders, lobbyists, grass roots organizers, election board members, and registrars of voters—paid and unpaid contributors to Nevada's political process. Before obtaining the right to vote, women were somewhat involved in the process; currently, they are integral to Nevada politics.