

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.

ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, AND ETHICS



WORK SESSION DOCUMENT

ORIGINAL EXHIBIT ON FILE AT THE
LEGISLATIVE COUNSEL BUREAU LIBRARY
ASSEMBLY ELECTIONS, PROCEDURES, & ETHICS
DATE: 3-18-03 ROOM: 3138 EXHIBIT H
SUBMITTED BY: Michelle Van Geel



PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada State Legislature

WORK SESSION

Assembly Committee on Elections, Procedures, and Ethics

March 18, 2003

-
- ☐ Assembly Bill 125 _____
 - ☐ Assembly Joint Resolution No. 3 _____



WORK SESSION

Assembly Committee on Elections, Procedures, and Ethics

March 18, 2003

PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada State Legislature

The following measures will be considered for action by the Assembly Committee on Elections, Procedures, and Ethics during a work session on Tuesday, March 18, 2003:

ASSEMBLY BILL 125

Makes various changes to laws governing elections. (BDR 24-294)

Sponsored by: Committee on Elections, Procedures, and Ethics (on behalf of the Nevada Association of County Clerks)

Discussion

Assembly Bill 125 was heard by the Committee on February 20, 2003. Alan Glover, Larry Lomax, and Dan Burk presented the bill on behalf of the Nevada Association of County Clerks. Among other things, the measure revises deadlines for filing for office; requires verification of identity when filing for office; provides electronic storage of documents; revises provisions relating to pupils serving as trainees for election board officer; and revises provisions relating to hours of operation for polling places.

Proposed Conceptual Amendments

1. Alan Glover, representing the Nevada Association of County Clerks (NACC), proposed amending the bill as indicated under Tab A.
2. Larry Lomax, Clark County Registrar of Voters, and Alan Glover, Carson City Clerk/Recorder, proposed technical changes to precinct boundaries. The changes will not affect more than 50 in population and will be less than 1/100 of a percent change.
3. Eliminate the practice of noting the identifying number of a ballot next to the voter's name in the poll book (proposed by NACC).
4. Eliminate the requirement to make the Election Department an early voting site, as described under Tab B (proposed by NACC).
5. Eliminate the requirement that a county commissioner be present during a recount, as detailed under Tab B (proposed by NACC).

ASSEMBLY JOINT RESOLUTION NO. 3

Urges Congress to amend Social Security Act by repealing certain provisions that require reductions in social security benefits for persons who also receive certain federal, state or local government pensions. (BDR R-839)

Sponsored by: Committee on Elections, Procedures, and Ethics (on behalf of the Nevada Association of County Clerks)

Discussion

Assembly Joint Resolution No. 3 was heard by the Committee on March 11, 2003. Assemblywoman Buckley presented the bill to the Committee. The measure urges the Congress of the United States to amend the Social Security Act by repealing certain provisions that require reductions in the amount of social security benefits paid to persons who also receive certain federal, state, or local government pensions. These provisions are commonly referred to as the Government Pension Offset and the Windfall Elimination Provision.

Proposed Conceptual Amendments

No amendments offered.

ASSEMBLY BILL NO. 125
AMENDMENTS

- P. 6 line 37 to 41 *5. Before accepting a declaration of candidacy or an acceptance of candidacy, the county clerk or filing officer, as applicable, shall require the candidate to provide identification, [including, without limitation, a driver's license or other official document, indicating the candidate's current address.] such as a copy of a current and valid photo identification; or a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the candidate. If a candidate does not have any such identification he must sign an affidavit, on a form prescribed by the Secretary of State, stating he does not have any such identification.*
- P. 8 Sec. 5, line 42. precincts in the count.[together with a word description of the boundaries of the precincts.]
- P9 line 7 submit a corrected *copy or electronic file of the* precinct map
line 8 [together with a corrected word description of the altered boundaries of the precinct] to the Secretary of State and the Director of the Legislative Counsel Bureau.
- P 9 line17 map [or description] pursuant to this subsection, he shall submit a copy *or electronic file* of the revised map [or description] to the
- P 10 line28 (b) Enrolled [as a senior] in high school; *and*
line 33 (c) At the time of Service,
at least [17] 16 years of age.
- P 11 line 43 *3. By any other system [approved by the Secretary of State or Specifically] pursuant to state or federal law.*
- P 13 line 29 *or a ballot*
line 30 *Which is voted by any other system [approved by the Secretary of State or specifically] pursuant to state or federal law.*
- P 14 line 12 & 13 Delete new language
- P 14 line37 county clerk. *The records of voted ballots that are maintained in electronic form must be sealed and deposited in the vaults of the county clerk. [preserved by the county clerk in such a manner as the county clerk may determine to be reasonably calculated to safeguard those records.]*

line 38 (c) At least 20 days before the election in which the pupil will act as a trainee, the principal of his high school *or assigned school counselor* receives the county

P 19 line 35 Delete new language

P 25 line 1 to 5 Delete new language

P 25 Sec 27 line 25 (b) Enrolled [as a senior] in high school; *and*
(c) At the time of Service,[enrolled in or have completed a high School course in American government in accordance with NRS 389.020; and
(d) Performing at an academic level deemed acceptable by the principal of the pupil's high school.] *be at least[17] 16 year of age.*
line 35 At least 20 days before the election in which the pupil will act as a trainee, the principal of his high school *or assigned school counselor* receives the county

P 28 line 7 & 8 Delete new language

P 28 line18 *The records of voted ballots that are maintained in electronic form must be sealed and deposited in the vaults of the city clerk. [preserved by the city clerk in such a manner as the city clerk may determine to be reasonably calculated to safeguard those records.]*

P 29 line 16 & 17 Delete new language

P 33 line 38 Delete new language

P 34 line 26 & 44 Delete new language

Amend Additional Sections:

NRS 293.404 (1) A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board. [At least one member of the board of county commissioners who is not a candidate on the ballot must be present at the recount.]

NRS 293B.165 Tests required before and after counting of ballots.
1. A test conducted in the manner prescribed in subsections 1 and 2 of NRS 293B.155 shall be conducted immediately before the

start of the official count of the ballots and again *within a twenty-four hour period* [immediately] after the official count of the ballots.

NRS 269.XXX

Single candidate declared elected.

In any election for an unincorporated town board member, if at 5:00 p.m. on the last day for filing a declaration of candidacy or an acceptance of candidacy, there is only one candidate nominated for the office, the candidate must be declared elected and no election may be held for that office.

EARLY VOTING IN CLERK'S OFFICE (NRS 293.356)

Intent/Purpose:

To make optional the requirement that the office of the county clerk/registrar be subject to the days and hours of operation of permanent early voting sites

Justification:

In Clark County, the early voting site at the Government Center complex (RTC building, i.e., the "clerk's office") is the site least used by voters during the early voting period, especially on weekends. The resources used to staff and equip this site as a permanent polling place for early voting would be better used at other more popular sites, such as grocery stores or malls.

Fiscal Impact:

None

Suggested Language:

NRS 293.356 Issuance of ballot; voting booth for use by persons issued ballots.

1. If a request is made to vote early by a registered voter in person, the ~~[county clerk]~~ **election board** shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of ~~[the clerk's office]~~ **an early voting polling place as prescribed in NRS 293.3564 and 293.3572** and returned to the ~~[clerk]~~ **election board**. If the ballot is a paper ballot or a ballot which is voted by punching a card, the ~~[clerk]~~ **election board** shall follow the same procedure as in the case of absent ballots received by mail.

~~[2. On the dates for early voting prescribed in NRS 293.3568, each county clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued ballots for early voting in accordance with this section.]~~

NRS 293.3572 Temporary branch polling places: Scheduling; legal rights and remedies of property owner or lessors not affected by presence of polling places.

1. In addition to permanent polling places for early voting, the county clerk may establish temporary branch polling places for early voting **including the clerks office**.
2. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.
3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.
4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

RECOUNTS (NRS 293.404)

Intent/Purpose:

To eliminate the requirement that at least one county commissioner be present at a recount

Justification:

Based on recent recounts throughout the state, many counties are finding that the limiting factor in scheduling a recount is the availability of a county commissioner to be present at a recount. Since the NRS does not prescribe specific duties for this commissioner but does for the county clerk (who acts as chairman of the recount board), it is recommended that this requirement be eliminated.

Fiscal Impact:

None

Suggested Language:

NRS 293.404 Employment and duties of recount board; persons present; count of ballots; recounts affecting more than one county.

1. Where a recount is demanded pursuant to the provisions of NRS 293.403, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chairman of the recount board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chairman of the recount board. If a registrar of voters has not been appointed for the county, the chairman of the board of county commissioners, if he is not a candidate on the ballot, shall act as chairman of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chairman of the board of county commissioners is a candidate on the ballot, the chairman of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chairman of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board. ~~[At least one member of the board of county commissioners who is not a candidate on the ballot must be present at the recount.]~~

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chairman of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, if he is not a candidate on the ballot, shall act as chairman of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chairman of the recount board. A member of the city council who is a candidate on the ballot may not serve as a member of the recount board. At least one member of the city council who is not a candidate on the ballot must be present at the recount.

2. Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.
3. Except in counties or cities using a mechanical voting system, the recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether those ballots are marked as required by law.
4. If a recount is demanded in a county or city using a mechanical voting system, the person who demanded the recount shall select the ballots for the office or ballot question affected from 5 percent of the precincts, but in no case fewer than three precincts, after notification to each candidate for the office or his authorized representative. The recount board shall examine the selected ballots, including any duplicate or rejected ballots, shall determine whether the ballots have been voted in accordance with this Title and shall count the valid ballots by hand. In addition, a recount by computer must be made of all the selected ballots. If the count by hand or the recount by computer of the selected ballots shows a discrepancy equal to or greater than 1 percent or 5 votes, whichever is greater, for the candidate demanding the recount or the candidate who won the election according to the original canvass of the returns, or in favor of or against a ballot question, according to the original canvass of the returns, the county or city clerk shall order a count by hand of all the ballots for that office or ballot question. Otherwise, the county or city clerk shall order a recount by computer of all the ballots for all candidates for the office or all the ballots for the ballot question.
5. The county or city clerk shall unseal and give to the recount board all ballots to be counted.
6. In the case of a demand for a recount affecting more than one county, the demand must be made to the secretary of state, who shall notify the county clerks to proceed with the recount.