

State of Nevada
Legislative Counsel Bureau



Capitol Complex
Carson City, Nevada 89710

273 - "none of these
candidates"

2000

FAX COVER SHEET

TO: Bob Garnett	FROM: Michael J. Stewart, Senior Research Analyst	
COMPANY NAME: Press Enterprise	DIVISION: RESEARCH DIVISION	
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DATE: 2/10/00	TIME: 4:05 PM	PAGE 1 OF 24

MESSAGE

Dear Mr. Garnett:

Please find enclosed the following informational items regarding Nevada's voter registration and turnout statistics and provision requiring a place on the ballot for "none of these candidates":

- Voter turnout statistics from the General Election of 1980 through the 1998 General Election;
- Two tables showing comparative voter registration and participation in Nevada and other states;
- Brief history and committee minutes of Assembly Bill 589 of the 1987 Legislative Session regarding Nevada's provision for "none of these candidates";
- Brief history and committee minutes of Assembly Bill 216 of the 1989 Legislative Session regarding Nevada's provision for "none of these candidates"; and
- From Nevada's Secretary of State, Dean Heller, information regarding Nevada's "none of these candidates" provisions and selected election returns.

I trust this information is helpful. Please feel free to call me at 775/684-6825 if I may be of further assistance to you.

Sincerely,

Michael J. Stewart
Senior Research Analyst

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turnout of 60.1 percent and the 1994 voter turnout of 61.7 percent. Voter turnout in Nevada at the 1998 General Election ranged from a high of 81.5 percent in Eureka County to a low of 45.78 percent in Clark County. The following table shows voter turnout statistics from the 1980 General Election through the 1998 General Election:

VOTER TURNOUT
General Elections - 1980 through 1998

General Election	Voter Turnout	Percent of Registered Voters Who Voted
1980*	251,584	84.6
1982	242,578	75.3
1984*	294,413	82.6
1986	264,365	71.9
1988*	354,261	79.6
1990	325,959	63.1
1992*	513,387	79.0
1994	386,582	61.7
1996*	467,657	60.1
1998	440,042	49.0

*Presidential Election Year

Voter registration in the State of Nevada continues to increase. As of the end of December 1998, a total of 906,205 people were registered to vote in Nevada. This includes 375,855 Democrats, 378,170 Republicans, 126,687 Nonpartisans, 16,766 Independent Americans, and 4,902 Libertarians. A table showing total voter registration by county in Nevada, as well as by legislative district, is included in Attachment F of this report.

Congressional Term Limits

The 1996 and 1998 General Election Ballots included an initiative proposal to establish term limits for the members of Congress. Question No. 17, also known as the Congressional Term Limits Act of 1996, was approved at both elections and thereby amended the *Nevada Constitution* concerning term limits. Specifically, this measure instructs Nevada's Congressional Delegation

Comparative Voter Registration and Participation
in Statewide Elections - 1912 through 1986

Nevada

General	Date	Registration				Voter Cast						
		Eligible	Democratic	Republican	Other	Total	Eligible Percent	Votes Percent	Eligible Percent			
Nov. 5, 1912						987,368						
Nov. 3, 1914						1,219,345						
Nov. 7, 1916						1,314,448						
Nov. 5, 1918						1,203,698						
Nov. 2, 1920						1,374,164						
Nov. 7, 1922						1,532,384	244,848					
Nov. 4, 1924						1,822,357	240,723					
Nov. 2, 1926						1,912,862	204,510					
Nov. 6, 1928						1,535,751	185,904					
Nov. 4, 1930						1,638,575	150,557					
Nov. 8, 1932						1,565,264	162,267					
Nov. 6, 1934						1,430,188	154,211					
Nov. 3, 1936						1,244,507	127,300					
Nov. 8, 1938						1,293,929	173,127					
Nov. 5, 1940						1,458,373	174,394					
Nov. 7, 1942						1,370,069	150,491					
Nov. 3, 1944						1,548,395	173,971					
Nov. 5, 1946						1,637,246	204,997					
Nov. 2, 1948						1,808,170	261,605					
Nov. 7, 1950						1,944,812	237,820					
Nov. 4, 1952						2,455,713	229,919					
Nov. 2, 1954						2,415,249	202,157					
Nov. 6, 1956						2,646,249	186,937					
Nov. 4, 1958						2,676,568	200,226					
Nov. 8, 1960						2,926,468	242,888					
Nov. 3, 1962						3,002,038	239,176					
Nov. 6, 1964						3,181,272	284,985					
Nov. 8, 1966						3,350,990	269,291					
Nov. 5, 1968						3,462,131	442,981					
Nov. 7, 1972						3,469,046	458,019					
Nov. 5, 1974						3,840,620	760,950					
Nov. 2, 1976						3,574,624	729,909					
Nov. 7, 1978						3,468,439	786,331					
Nov. 4, 1980						3,465,394	934,643					
Nov. 2, 1982						3,942,262	1,375,593					
Nov. 6, 1984						4,028,999	1,380,582					
Nov. 4, 1986						4,789,129	1,500,238					
						4,912,591	1,396,843					
						8,500,000				78.6		63.2
						9,100,000				82.0		72.4
						9,600,000				77.2		60.8
						10,300,000				79.5		70.3
						10,560,000				76.8		62.6
						11,200,000				74.6		65.9
						11,700,000				78.6		68.9
						13,100,000				82.13		66.4
						14,400,000				84.11		68.7
						15,000,000				81.53		56.7
						15,999,000				70.41		47.6
						16,416,000				77.24		54.8
						17,113,000				69.78		49.1
						17,560,889				74.93		57.2
						7,617,142				59.35		43.4

*Comparative Lists
by State*

No. 486. Resident Population of Voting Age and Percent Casting Votes—States: 1988 to 1996

[As of November. Estimated population, 18 years old and over. Includes Armed Forces stationed in each state, aliens, and institutional population]

STATE	VOTING-AGE POPULATION							PERCENT CASTING VOTES FOR—				
	1988 (1,000)	1990 (1,000)	1992 (1,000)	1994 (1,000)	1996, proj. (1,000)			Presidential electors		U.S. Representatives		
					Total	Black	Hispanic ¹	1992	1996	1992	1994	1996
U.S.	181,866	188,812	189,524	193,650	196,509	22,857	18,609	58.1	49.0	50.8	38.0	46.6
AL	2,950	2,995	3,080	3,139	3,218	744	20	54.8	50.4	49.9	37.1	46.6
AK	399	392	405	429	425	17	14	63.8	58.6	58.6	44.0	53.6
AZ	2,810	2,898	2,812	2,923	3,094	85	602	52.9	64.5	71.8	54.0	63.9
AR	1,717	1,737	1,774	1,817	1,880	253	18	53.6	58.0	61.0	38.7	57.1
CA	21,250	22,124	22,521	23,225	23,133	1,718	6,323	49.4	56.6	65.6	49.3	57.8
CO	2,397	2,447	2,579	2,713	2,843	113	351	60.8	55.3	56.6	43.3	52.1
CT	2,825	2,534	2,508	2,486	2,468	199	173	64.4	52.0	51.9	44.8	48.0
DE	490	507	521	534	547	92	15	55.8	58.4	57.2	43.0	52.4
DC	503	481	487	452	435	269	20	48.7	48.3	48.9	34.6	44.1
FL	9,651	10,180	10,422	10,856	11,043	1,375	1,409	51.0	46.5	43.2	33.8	40.9
GA	4,631	4,791	5,008	5,159	5,398	1,368	101	48.4	51.2	50.2	33.6	47.0
HI	804	841	868	900	882	24	69	43.1	49.0	50.1	38.6	48.9
ID	683	707	750	803	845	4	49	64.3	54.2	58.5	41.2	52.6
IL	8,411	8,495	8,598	8,712	8,784	1,245	728	58.7	52.6	56.6	38.5	50.8
IN	4,046	4,105	4,209	4,298	4,369	331	81	54.8	54.3	55.8	39.7	52.5
IA	2,053	2,081	2,073	2,112	2,138	38	30	65.3	48.9	52.7	38.0	47.7
KS	1,809	1,819	1,840	1,889	1,898	107	75	62.9	49.2	58.2	34.9	47.1
KY	2,710	2,740	2,798	2,857	2,924	201	15	53.4	54.5	55.9	43.0	52.3
LA	3,008	2,988	3,045	3,100	3,137	902	75	58.8	57.4	65.0	38.8	56.2
ME	902	824	832	831	839	4	6	72.9	58.1	63.3	47.7	56.9
MD	3,536	3,640	3,705	3,750	3,811	982	110	53.8	64.3	69.5	52.0	62.8
MA	4,842	4,848	4,816	4,564	4,623	234	229	60.1	57.7	59.9	48.3	56.1
MI	6,774	6,851	6,947	6,983	7,067	972	159	61.5	54.2	61.0	45.2	53.2
MN	3,167	3,222	3,272	3,382	3,412	65	44	71.8	56.3	64.5	50.4	55.6
MS	1,816	1,832	1,873	1,905	1,961	632	12	52.4	61.1	65.9	58.6	60.9
MO	3,770	3,813	3,851	3,902	3,980	397	47	62.1	56.1	61.1	47.9	54.8
MT	574	579	600	623	647	2	9	68.4	56.6	61.1	43.3	55.3
NE	1,145	1,152	1,164	1,182	1,208	41	35	63.4	45.9	45.9	30.2	40.7
NV	824	829	1,011	1,088	1,180	72	145	50.1	46.0	46.7	30.3	41.8
NH	817	835	838	843	860	5	9	64.2	49.5	53.0	36.5	48.6
NJ	5,905	5,927	5,984	5,974	6,005	819	632	58.1	46.7	48.8	35.9	43.0
NM	1,047	1,075	1,121	1,167	1,210	22	505	50.8	42.7	42.1	(NA)	(NA)
NY	13,659	13,683	13,705	13,646	13,579	2,282	1,616	50.5	47.5	48.8	38.4	43.2
NC	4,903	5,081	5,190	5,364	5,499	1,126	69	50.3	45.0	40.9	29.3	36.9
ND	470	482	482	467	473	3	3	66.7	45.8	48.7	29.8	45.7
OH	7,988	8,068	8,207	8,313	8,358	868	112	60.2	41.5	41.8	31.7	38.1
OK	2,300	2,310	2,352	2,394	2,419	184	69	59.1	42.6	44.2	29.0	40.1
OR	2,055	2,140	2,220	2,311	2,398	37	101	65.9	48.0	² 47.2	² 28.3	42.5
PA	9,037	9,091	9,161	9,212	9,196	814	198	54.1	47.1	49.0	33.3	44.5
RI	772	776	788	784	750	29	39	59.0	47.5	48.6	27.5	42.3
SC	2,505	2,587	2,689	2,740	2,777	771	27	45.1	47.1	45.5	38.2	44.3
SD	498	498	505	522	530	3	4	68.6	47.7	52.0	35.5	45.6
TN	3,609	3,685	3,786	3,913	4,021	589	29	52.2	45.6	51.5	32.8	46.1
TX	11,878	12,222	12,681	13,166	13,622	1,594	3,730	48.5	45.1	42.7	28.3	36.8
UT	1,070	1,104	1,169	1,246	1,323	10	69	63.8	47.5	50.1	39.0	46.4
VT	411	422	429	429	441	2	3	67.5	56.9	³ 22.4	³ 0	15.1
VA	4,572	4,716	4,855	4,967	5,089	924	133	52.7	49.9	54.2	40.5	48.8
WA	3,465	3,650	3,812	4,000	4,122	111	193	60.0	41.2	44.3	31.3	38.3
WV	1,358	1,349	1,376	1,389	1,414	40	7	49.7	47.0	51.0	38.8	45.1
WI	3,559	3,616	3,675	3,777	3,824	180	76	68.9	49.7	55.3	40.7	48.6
WY	321	319	329	343	352	3	20	61.0	62.9	67.3	56.5	62.4

NA Not available. X Not applicable. ¹ Persons of Hispanic origin may be of any race. ² State law does not require tabulation of votes for unopposed candidates. ³ See footnote 3, Table 484.

Source: Compiled by U.S. Bureau of the Census. Population data from U.S. Bureau of the Census, *Current Population Reports*, P25-1117 and *Statistical Brief* (SB/88-2); votes cast from Elections Research Center, Chevy Chase, MD, *America Votes*, biennial (copyright); and 1994, Congressional Quarterly Inc., *Congressional Quarterly Weekly Report*, Vol. 53, No. 15, April 15, 1995 (copyright).

A. B. 589—Brookman, Sedway, Nicholas, Myrna Williams, Haller and Getto, Apr. 15.

Summary—Extends provision which allows voter to express opposition to all candidates to include offices of state senator and assemblyman. (BDR 24-1477) Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

Apr. 15—Read first time. Referred to Committee on Elections. To printer.

Apr. 16—From printer. To committee.

died in Committee

A. B. 590—Callister, Myrna Williams, Spinello, Tebbs and Brookman, Apr. 15.

Summary—Provides for regulation of business of providing credit services. (BDR 52-1331) Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes.

Apr. 15—Read first time. Referred to Committee on Commerce. To printer.

Apr. 16—From printer. To committee.

May 29—From committee: Amend, and do pass as amended. Placed on Second Reading File. Read second time. Amended. To printer.

Jun. 1—From printer. To engrossment. Engrossed. First reprint. Placed on General File. Read third time. Passed, as amended. Title approved. To Senate. In Senate. Read first time. Referred to Committee on Commerce and Labor. To committee.

Jun. 9—From committee: Do pass.

Jun. 10—Read second time.

Jun. 11—Read third time. Passed. Title approved. To Assembly.

Jun. 12—In Assembly. To enrollment.

Jun. 15—Enrolled and delivered to Governor.

Jun. 18—Approved by the Governor. Chapter 649.

Effective July 1, 1987.

A. B. 591—Committee on Labor and Management, Apr. 15.

Summary—Prohibits examination of certain persons by polygraph or other similar device as condition of employment or retention in employment. (BDR 53-1555) Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

Apr. 15—Read first time. Referred to Committee on Labor and Management. To printer.

Apr. 16—From printer. To committee.

Jun. 17—From committee: Amend, and do pass as amended. Placed on Second Reading File. Read second time. Amended. To printer. From printer. To engrossment. Engrossed. First reprint. Declared an emergency measure under the Constitution. Read third time. Passed, as amended. Title approved, as amended. To Senate. In Senate. Read first time. No further consideration.

A. B. 592—Freeman, Apr. 16.

Summary—Allows licensed nurse to remove donated eyes from dead bodies. (BDR 40-1588) Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

Apr. 16—Read first time. Referred to Committee on Health and Welfare. To printer.

Apr. 20—From printer. To committee.

May 22—From committee: Do pass. Placed on Second Reading File. Read second time. To engrossment. Engrossed.



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Mr. DuBois stated a person could never vote, and yet remain on the voter rolls as long as they returned the postcard from the registrar's of voters office indicating they would like to remain on the voter rolls. Mr. Adler felt if someone did not regularly vote they would not want to remain on the voter rolls. He also stated that all those people who did not return the postcard would be purged.

MRS. WISDOM MOVED TO AMEND AND DO PASS AB 476.

MR. WILLIAMS SECONDED THE MOTION.

THE MOTION CARRIED WITH MR. DUBOIS VOTING IN OPPOSITION.

Assembly Bill No. 589 - Extends provision which allows voter to express opposition to all candidates to include offices of state senator and assemblyman.

Eileen B. Brookman, Assemblyman District No. 9, sponsor of AB 589, testified. Ms. Brookman stated the "none of the above" option on election ballots should be included on all races which includes those candidates running for the offices of Senator and Assemblyman. Ms. Brookman suggested the bill be amended to have the "none of the above" option listed on all political races or the "none of the above" option should be completely taken off the ballot.

Chairman Swain then called Secretary of State, Frankie Sue Del Papa to testify. Chairman Swain asked Ms. Del Papa regarding a law suit dealing with write-in candidates. Ms. Del Papa said the A.C.L.U. is planning to sue the Secretary of State's office in reference to ballot access. Ms. Del Papa stated, in light of this, her office will have to draft regulations which will allow for a write-in ballot. Chairman Swain asked if there was any correlation between the two issues. Ms. Del Papa felt there was not.

Ms. Del Papa stated that Robin Bogich, Registrar of Voters for Washoe County, notified her office concerning the "none of the above" option. Mr. Bogich stated under current law the "none of the above" option is only required in statewide elections.

Mr. Fay asked Ms. Brookman if printing "none of the above" on ballots costs more money. Ms. Brookman said that it did.

Mr. Williams said "none of the above" allows the voter to make a statement. Ms. Brookman said failure to vote for either candidate would make a statement. She added doing away with the

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"none of the above" option would force voters to look at the candidates on the ballot more cautiously. Voters would have to decide upon a candidate before they went to the polls instead of opting for the "none of the above" category.

Chairman Swain informed the committee about a bill dealing with the federal voting act which will come before the committee in a short time. She stated that the bill will deal with access to the ballot by persons who are overseas in the armed forces. Chairman Swain brought this up in light of the "write-in" issue. Chairman Swain asked if it would be wise to discuss the "none of the above" issue within the upcoming bill. Ms. Del Papa suggested N.R.S. 293.269, which deals with the "none of the above" option, should be repealed in its entirety.

Mr. Bergevin asked if the "write-in" ballot amendment had been proposed due to the A.C.L.U. suit. Mr. Bergevin stated that if this were the case, he would not be in favor of adding the "none of the above" amendment in AB 589 to that bill.

Ms. Del Papa stated the A.C.L.U. suit is against a legitimate concern. Ms. Del Papa suggested a meeting between Jennifer Stern, the deputy attorney general, Chairman Swain and herself to decide on the most expeditious route to get the federal voting rights bill through and take care of the write-in ballot problem. Chairman Swain asked if it would be wise to deal with the issues in AB 589 at that time. Ms. Del Papa stated that if this statute was repealed they would actually be substituting a new statute, because the federal voting provision would be a new statutory provision. Chairman Swain felt it would be best to deal with the write in issue separately and called for a motion on AB 589.

MR. BERGEVIN MOVED TO AMEND AB 589 BY REPEALING N.R.S. 293.269 IN ITS ENTIRETY.

MR. WILLIAMS SECONDED THE MOTION

THE MOTION CARRIED UNANIMOUSLY.

Chairman Swain then closed the hearing on AB 589 and opened the hearing on AB 593.

Assembly Bill No. 593 - Revises provisions relating to identification and challenge of person intending to vote.

John B. DuBois, Assemblyman District 2, sponsor of AB 593, testified. Mr. DuBois said AB 593 adds a clause which states a voter must not be allowed to vote unless he first presents a form

A roll call vote was taken.

THE MOTION CARRIED BY A VOTE OF 6 TO 3 WITH MR. FAY, MR. PORTER & MRS. WISDOM VOTING AGAINST.

Chairman Swain then asked the committee to reconsider the vote the committee had taken on AB 589.

Assembly Bill No. 589 - Extends provision which allows voter to express opposition to all candidates to include offices of state senator and assemblyman.

MR. NICHOLAS MOVED TO RECONSIDER THE VOTE ON AB 589.

MRS. WISDOM SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chairman Swain then asked the committee if they would like to hear further testimony on AB 589, reconsider the bill in its original form, or amend the bill to include congressmen, as this office also did not include a "none of the above" option.

MRS. WISDOM MOVED TO AMEND AB 589 TO INCLUDE CONGRESSMEN.

MR. NICHOLAS SECONDED THE MOTION.

Mr. Bergevin stated that he would allow the reconsideration, however, his attitude had not changed. He felt the committee had succumbed to outside pressures and would vote for a total repeal of the bill.

Mr. Porter agreed with the remarks of Mr. Bergevin, stating the committee's original decision had not been spontaneous or abrupt, he also opposed the new motion.

THE MOTION DID NOT CARRY.

Chairman Swain then called for a motion on AB 589.

MR. NICHOLAS MOVED TO INDEFINITELY POSTPONE AB 589.

MRS. EVANS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chairman Swain then called for a motion on AB 477.

1989

Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

Feb. 14—Read first time. Referred to Committee on Judiciary. To printer.

Feb. 15—From printer. To committee.

A. B. 216—Brookman, Feb. 14.

Summary—Extends provision which allows voter to express opposition to all listed candidates to include candidates for offices of state senator and assemblyman. (BDR 24-480) Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.



Feb. 14—Read first time. Referred to Committee on Elections. To printer.

Feb. 15—From printer. To committee.

died in committee

A. B. 217—Schofield, Gaston, Banner, Dini, Thompson, Regan, Porter and Jeffrey, Feb. 14.

Summary—Makes certain records concerning occupational safety and health available for public inspection. (BDR 53-330) Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

Feb. 14—Read first time. Referred to Committee on Labor and Management. To printer.

Feb. 15—From printer. To committee.

A. B. 218—Regan, Jeffrey, Nevin, Garner, Kerns, Fay, Carpenter, Gaston, Myrna Williams, Bergevin, Sedway, Adler, McGinness, Arberry, Spinello, Callister, Bogaert, Marvel, Gibbons, Porter, Schofield, Sheerin, DuBois, Thompson, Chowning, Price, Diamond, Kissam, Wisdom, Freeman, Humke and Evans, Feb. 15.

Summary—Establishes program for rehabilitation of abandoned residential property. (BDR 22-1475) Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

Feb. 15—Read first time. Referred to Committee on Government Affairs. To printer.

Feb. 16—From printer. To committee.

Mar. 6—From committee: Amend, and do pass as amended.

Mar. 7—Read second time. Amended. To printer.

Mar. 8—From printer. To engrossment. Engrossed. First reprint.

Mar. 13—Read third time. Passed, as amended. Title approved. To Senate.

Mar. 14—In Senate. Read first time. Referred to Committee on Government Affairs. To committee.

Apr. 4—From committee: Do pass.

Apr. 5—Read second time.

Apr. 6—Taken from General File. Placed on General File for next legislative day.

Apr. 7—Read third time. Passed. Title approved. To Assembly.

Apr. 10—In Assembly. To enrollment.

Apr. 12—Enrolled and delivered to Governor.

Apr. 17—Approved by the Governor. Chapter 82.

Effective October 1, 1989.

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Assembly Bill No. 216 - Extends provision which allows voter to express opposition to all listed candidates to include candidates for offices of state senator and assemblyman.

Assemblyman Eileen Brookman, District 9, bill sponsor, began her testimony by saying A.B. 216 was drafted incorrectly, however, she had chosen not to change the bill, (Exhibit C). She continued by saying she had appeared before the Elections Committee last session to have the whole section of "none of the above" repealed. She added A.B. 216, as written, included "legislators" running for office. This plus other candidates running for office was the intent of A.B. 336 of the 1975 session, which she supported. At that time, however, the Senate removed all candidates except those running for statewide offices.

Mrs. Brookman continued to validate her position as she explained the public disdain and mockery launched at Nevada because of the "none of the above" law, (See Exhibit C). She then requested the committee repeal the whole section of "none of the above" and replace it with a "write in."

Mrs. Wisdom asked for verification of her own interpretation of Mrs. Brookman's testimony. Mrs. Brookman reiterated that she wanted the committee to repeal the whole "none of the above" section, and if that was not to the committee's liking to provide for a "write in" law. Mrs. Brookman then responded to Mrs. Wisdom's request for additional people to testify by saying the people had missed the plane.

Mr. Sheerin wanted clarification on what had to be repealed to revoke the "none of the above" concept and the procedure involved. He asked if Dana Bennett, Research Analyst, could determine this and return to the committee with a potential amendment.

Mr. DuBois asked if the committee did not repeal the "none of the above" section if Mrs. Brookman would be receptive to adding the Assembly and Senate names to the statute. Mrs. Brookman replied by saying she would like to see the law repealed. She then pointed out an embarrassment in the 1986 primary when "none of the above" won the election. She added that a mailer in her district indicated her constituents thought the law ridiculous. They believed all candidates should be included or the law repealed.

The Chair requested that Dana Bennett check into the possible change in the statute and report back to committee.

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MRS. EVANS MOVED TO DO PASS A.B. 82.

MRS. WISDOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Mrs. Swain opened the Work Session on A.B. 216.

Assembly Bill No. 216 - Extends provision which allows voter to express opposition to all listed candidates to include candidates for offices of state senator and assemblyman.

Because she was absent the day of testimony, Mrs. Swain asked for clarification of the author's intent. Mrs. Lambert replied by saying Mrs. Brookman felt the "none of the above" on the ballot was an embarrassment to the State of Nevada and should be removed from the ballot. She wanted the bill amended to repeal.

At that point, Mr. DuBois voiced approval for "none of the above." His rationale was he had never been approached on the idiocy of the inclusion, and he thought it gave voters an opportunity to indicate how they felt about a given slate. He was challenged about his logic by Mrs. Swain when he added the inclusion could force the process to function better, could attract better candidates.

MR. PORTER MOVED TO INDEFINITELY POSTPONE A.B. 216.

MR. DUBOIS SECONDED THE MOTION.

Mr. Porter remarked he believed "none of the above" served a function in the expression of the political process, usually construed as a protest vote. He also believed the voters should have the option of expressing they were not satisfied with any candidate on the ballot.

Mrs. Evans asked for clarification on what candidates were included in the "none of the above" category. Her position was that either all or none of the contests should have the item on their slates.

The Chair called for a roll call vote on the motion on the floor.

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THE MOTION FAILED BY VOTE OF SIX AGAINST, TWO IN FAVOR AND ONE ABSENT. ASSEMBLYMEN BERGEVIN, EVANS, LAMBERT, SHEERIN, WISDOM AND SWAIN VOTED AGAINST; ASSEMBLYMEN DUBOIS AND PORTER VOTED IN FAVOR; ASSEMBLYMAN DIAMOND WAS ABSENT.

The Chair then accepted a motion from Mr. Bergevin.

MR. BERGEVIN MOVED TO AMEND TO REPEAL NRS 293.269

MRS. LAMBERT SECONDED THE MOTION.

The Chair called for a roll call vote on the motion on the floor.

THE MOTION PASSED BY VOTE OF SIX IN FAVOR, TWO AGAINST AND ONE ABSENT. ASSEMBLYMAN DUBOIS AND PORTER VOTED AGAINST; ASSEMBLYMAN DIAMOND WAS ABSENT.

Mrs. Swain opened the hearing on A.B. 132.

Assembly Bill No. 132 - Clarifies definition of "political party."

Mrs. Swain passed out copies of the amended bill, (Exhibit E), wherein Mrs. Wisdom stated the revision did not contain two suggestions made by Mr. Sheerin because the Counsel Bureau believed those suggestions were already in the bill. Both Frankie Sue Del Papa, Secretary of State and Karen Zupon, Deputy Secretary of State were in concurrence with the amendments as written. Mr. Sheerin then remarked his concerns were resolved in the amendments.

Mr. DuBois asked for time to review the bill. Mrs. Wisdom stated she and Assemblymen Bergevin and Sheerin had met on the floor regarding the bill. After that she had the Secretary of State validate their revisions. Mr. Sheerin commented they had only reviewed the one section, not the entire bill. The Chair advised that with the exception of the amendment, the bill had been acceptable to the committee. She added the part of the amendment on the second page referring to Julian dating was a correction requested to facilitate both parties obtaining necessary information.

Mr. DuBois asked if the bill addressed a 51 percent vote in the primary and was told, "no." Then he verified his belief that if someone received 51 percent of the vote, that party

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Assembly Bill No. 216 - Extends provision which allows voter to express opposition to all listed candidates to include candidates for offices of state senator and assemblyman.

Mrs. Swain, by request of Assemblyman Brookman, called for a motion on A.B. 216 to rescind the motion that had amended the bill and passed it out of committee.

Mrs. Evans asked for clarification of committee action on the bill. She was told by the Chair the amendment voided the original bill which called for ballot inclusion of "none of the above" on candidates for offices of state senator and assemblyman. In lieu of that inclusion, the amendment eliminated the "none of the above" category from all Nevada ballots. Mrs. Swain advised the committee Mrs. Brookman's request was to follow procedure by first rescinding the amendment, then to indefinitely postpone action on the bill.

MR. PORTER MOVED TO RESCIND THE MOTION WHEREBY THE COMMITTEE HAD AMENDED AND PASSED OUT OF COMMITTEE A.B. 216.

MR. DUBOIS SECONDED THE MOTION.

Mr. DuBois explained his reason for seconding the motion was to put back into the bill the "none of the above" inclusion for state assemblymen and senators. Mrs. Swain confirmed his thought processes saying the bill was to be put back into its original form, then postponed indefinitely.

THE MOTION PASSED UNANIMOUSLY.

MRS. WIDSOM MOVED TO INDEFINITELY POSTPONE A.B.216.

MRS. LAMBERT SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Mrs. Swain opened the Work Session on A.B. 384.

Assembly Bill No. 384 - Makes various changes relating to campaign practices.



**OFFICE OF THE
SECRETARY OF STATE**

**Capitol Complex
Carson City, Nevada 89710
Telephone (702) 687-5203
Fax (702) 687-3471**

Dear Friend:

Thank you for your interest in Nevada's choice of "None of These Candidates."

I have enclosed a report of all races dated from its enactment in 1975 through 1994, in which "None of These Candidates" received the most votes for first, second or third place in a race of three or more choices. Although "None of These Candidates" cannot actually win the race, it is an opportunity for voters to register opposition.

You will note that "None of These Candidates" has finished first in races in 1976, 1978 and 1986. Of course, the candidate in second place was the victor. Other notable races include its finish ahead of both George Bush and Ted Kennedy in the 1980 presidential primary.

I hope you will find the enclosed information useful.

Sincerely,

A handwritten signature in cursive script that reads "Dean Heller".

DEAN HELLER

DH:mjs

Enclosure

"None of These Candidates"

STATE OF NEVADA

The Nevada Revised Statute (NRS) which outlines the provision of "None of These Candidates" follows:

NRS 293.269 Ballots for statewide offices or President and Vice President must permit voter to register opposition to all candidates.

1. Every ballot upon which appears the names of candidates for any statewide office or for President and Vice President of the United States shall contain for each office an additional line equivalent to the lines on which the candidates' names appear and placed at the end of the group of lines containing the names of the candidates for that office. Each additional line shall contain a square in which the voter may express his choice of that line in the same manner as he would express his choice of a candidate, and the line shall read "None of these candidates."

2. Only votes cast for the named candidates shall be counted in determining nomination or election to any statewide office or presidential nominations or the selection of presidential electors, but for each office the number of ballots on which the additional line was chosen shall be listed following the names of the candidates and the number of their votes in every posting, abstract and proclamation of the results of the election.

3. Every sample ballot or other instruction to voters prescribed or approved by the secretary of state shall clearly explain that the voter may mark his choice of the line "None of these candidates" only if he has not voted for any candidate for the office.

(Added to NRS by 1975, 475)

"None of These Candidates"

NRS 293.269
Enacted in 1975

1976 PRIMARY ELECTION

Representative in Congress - Republican

1st Dart, Anthony 8,097
2nd Earhart, Walden Charles 9,831
3rd "None of These Candidates" 16,097

1976 GENERAL ELECTION

President/Vice President

1st Ford/Dole (R) 101,273
2nd Carter/Mondale (D) 92,479
3rd "None of These Candidates" 5,108

1978 PRIMARY ELECTION

Representative in Congress - Republican

1st "None of These Candidates" 15,441
2nd O'Mara, Bill 14,610
3rd Caverner, Sam 13,102

Secretary of State - Republican

1st "None of These Candidates" 18,383
2nd Earhart, W. Charles 16,599
3rd Cotton, George L 9,168

1978 GENERAL ELECTION

Representative in Congress

1st Santini, Jim (D) 132,513
2nd O'Mara, Bill (R) 44,425
3rd "None of These Candidates" 7,767

Secretary of State

1st Swackhamer, Wm. (D) 132,660
2nd Earhart, W. C (R). 41,449
3rd "None of These Candidates" 11,434

State Treasurer

1st Colton, Stan (D) 94,696
2nd Cafferata, Patty (R) 79,449
3rd "None of These Candidates" 7,612

1978 GENERAL ELECTION (Cont.)

State Controller

1st McGowan, W. (R) 94,742
2nd Daly, Mike (D) 75,550
3rd "None of These Candidates" 9,490

Attorney General

1st Bryan, R. H. (D) 139,095
2nd Robb, Donald (R) 32,351
3rd "None of These Candidates" 9,710

1980 PRIMARY ELECTION

Presidential - Republican

1st Reagan, Ronald 39,352
2nd "None of These Candidates" 4,965
3rd George Bush 3,078

1980 GENERAL ELECTION

Representative in Congress

1st Santini, J. (D) 165,107
2nd Saunders, V. (R) 63,163
3rd "None of These Candidates" 8,558

1982 PRIMARY ELECTION

United States Senator - Democrat

1st Cannon, H. 54,288
2nd Santini, J. 49,735
3rd "None of These Candidates" 2,487

Representative in Congress - Democrat

1st Reid, H. 41,786
2nd "None of These Candidates" 4,248
3rd Rolfe, D. A. 3,214

Representative in Congress - Republican

1st Caverner, P. 14,466
2nd Lyman, J. 8,724
3rd "None of These Candidates" 2,197

1982 PRIMARY ELECTION (Cont.)

Governor - Republican

1st List, R. 39,319
2nd Moody, M. 13,849
3rd "None of These Candidates" 13,252

Lt. Governor - Democrat

1st Cashell, B. 62,415
2nd "None of These Candidates" 18,278
3rd Palmer, J. 11,556

Treasurer - Republican

1st Cafferata, P. 37,208
2nd Santor, K. 12,821
3rd "None of These Candidates" 9,119

Supreme Court Justice, Seat C

1st Gunderson, E. M. 81,704
2nd R. VanWagoner 40,067
3rd "None of These Candidates" 24,473

1982 GENERAL ELECTION

Governor

1st Bryan, R. 128,132
2nd List, R. 100,104
3rd "None of These Candidates" 6,894

Lt. Governor

1st Cashell, B. 139,058
2nd Boyd, R. 78,272
3rd "None of These Candidates" 12,417

1984 GENERAL ELECTION

President/Vice President

1st Reagan/Bush (R) 188,770
2nd Mondale/Ferraro (D) 91,655
3rd "None of These Candidates" 3,950

1986 PRIMARY ELECTION

United States Senate - Republican

1st Santini, J. 55,947
2nd "None of These Candidates" 8,214
3rd Gilster, R. 3,544

1986 PRIMARY ELECTION (Cont.)

Governor - Republican

1st Cafferata, P. 31,43
2nd "None of These Candidates" 15,11
3rd Stone, J. 12,29

Secretary of State - Democrat

1st Zimmer, B. 34,20
2nd "None of These Candidates" 15,83
3rd Earhart, W. 11,39

Treasurer - Democrat

1st "None of These Candidates" 19,89
2nd Fitzpatrick, P. 18,38
3rd Reed, N. 15,24

Treasurer - Republican

1st Santor, K. 16,43
2nd "None of These Candidates" 13,53
3rd Audrain, T. 11,68

1986 GENERAL ELECTION

United States Senator

1st Reid, H. (D) 130,95
2nd Santini, J (R). 116,60
3rd "None of These Candidates" 5,47

Governor

1st Bryan, R. (D) 187,26
2nd Cafferata, P. (R) 65,08
3rd "None of These Candidates" 5,47

Secretary of State

1st Del Papa, F. S. (D) 132,87
2nd Zimmer, B. (R) 105,96
3rd "None of These Candidates" 11,05

Treasurer

1st Santor, K. (R) 128,85
2nd Fitzpatrick, P. (D) 98,07
3rd "None of These Candidates" 18,11

1988 GENERAL ELECTION

President/Vice President

1st Bush/Quayle (R) 206,040
2nd Dukakis/Bentsen (D) 132,738
3rd "None of These Candidates" 6,934

1988 GENERAL ELECTION (Cont.)

United States Senator

1st Bryan, R. (D) 175,548
2nd Hecht, C. (R) 161,336
3rd "None of These Candidates" 7,242

1990 PRIMARY ELECTION

Governor - Democrat

1st Miller, B. 71,537
2nd "None of These Candidates" 7,394
3rd Cowboy, R. 2,451

Governor - Republican

1st Gallaway, J. 37,467
2nd "None of These Candidates" 16,565
3rd Brown, C. 16,067

Lt. Governor - Democrat

1st Ireland, J. 37,789
2nd "None of These Candidates" 17,666
3rd Palmer, J. 8,995

Secretary of State - Republican

1st Lau, C. 24,409
2nd "None of These Candidates" 20,347
3rd Hollinger, N. 19,680

Treasurer - Democrat

1st Shaffer, R. 34,414
2nd Fitzpatrick, P. 24,969
3rd "None of These Candidates" 17,829

1990 GENERAL ELECTION

Governor

1st Miller, B. (D) 207,878
2nd Gallaway, J (R). 95,789
3rd "None of These Candidates" 9,017

Secretary of State

1st Lau, C. (R) 154,302
2nd Spinello, J. (D) 124,824
3rd "None of These Candidates" 21,997

Treasurer

1st Seale, B. (R) 187,150
2nd Shaffer, R. (D) 97,252
3rd "None of These Candidates" 19,222

1990 GENERAL ELECTION (Cont.)

Attorney General

1st Del Papa, F. (D) 177,919
2nd Nelson, B. (R) 118,345
3rd "None of These Candidates" 12,207

1992 PRIMARY ELECTION

United States Senator - Democrat

1st Reid, H. 64,828
2nd Woods, C. 48,364
3rd "None of These Candidates" 4,429

United States Senator - Republican

1st Dahl, D. 37,667
2nd Gore, B. 31,963
3rd "None of These Candidates" 13,523

1992 GENERAL ELECTION

United States Senator

1st Reid, H. (D) 253,150
2nd Dahl, D. (R) 199,413
3rd "None of These Candidates" 13,154

Supreme Court Justice Seat A

1st Shearing, M. 207,943
2nd Thompson, C. 192,323
3rd "None of These Candidates" 86,862

Supreme Court Justice Seat E

1st Springer, C. 322,855
2nd "None of These Candidates" 111,063

1994 PRIMARY ELECTION

United States Senator - Republican

1st Furman, H. 58,521
2nd Woods, C. 29,601
3rd "None of These Candidates" 15,788

Governor - Democrat

1st Miller, B. 75,311
2nd Jones, J. 33,566
3rd "None of These Candidates" 6917

1994 PRIMARY ELECTION (Continued)

Governor - Republican

1st Gibbons, J.	59,705
2nd Lau, C.	37,749
3rd "None of These Candidates"	10,391

Lieutenant Governor - Democrat

1st Briare, B.	68,644
2nd "None of These Candidates"	24,380
3rd Jesse, M.	20,654

Secretary of State - Democrat

1st Hickey, T.	45,827
2nd Korcheck, K.	43,657
3rd "None of These Candidates"	22,161

Secretary of State - Republican

1st Heller, D.	53,478
2nd Fitzpatrick, P.	28,967
3rd "None of These Candidates"	26,011

State Controller - Democrat

1st Sferrazza, P.	54,192
2nd Sanada, M.	45,469
3rd "None of These Candidates"	16,047

Attorney General - Democrat

1st Del Papa, F.	67,002
2nd Rose, R.	31,935
3rd "None of These Candidates"	10,224

Supreme Court Justice, Seat C

1st Leavitt, M.	97,255
2nd Rose, R.	96,242
3rd "None of These Candidates"	35,798

1994 GENERAL ELECTION

United States Senator

1st Bryan, R. (D)	193,804
2nd Furman, H. (R)	156,020
3rd "None of These Candidates"	12,626

Lieutenant Governor

1st Hammargren, L. (R)	189,187
2nd Briare, B. (D)	154,347
3rd "None of These Candidates"	15,827

1994 GENERAL ELECTION (Continued)

State Treasurer

1st Seale, B. (R)	233,352
2nd Hamma, W. (D)	76,221
3rd "None of These Candidates"	28,720

State Controller

1st Daines, D. (R)	171,162
2nd Sferrazza, P. (D)	165,515
3rd "None of These Candidates"	24,570

Supreme Court Justice, Seat C

1st Rose, R. (NP)	151,246
2nd Leavitt, M. (NP)	130,224
3rd "None of These Candidates"	89,235

Secretary of State	
Heller, Dean (R)	204,041
Hickey, Tom (D)	113,421
Avila, Teresa (IA)	31,131
* "None of These Candidates"	25,279
State Treasurer	
Seale, B. (R)	233,352
Hamma, W. (D)	76,221
* "None of These Candidates"	28,720
O'Neill, Patrick (L)	16,774
Dixon, Kenneth G. (IA)	16,439
State Controller	
Daines, D. (R)	171,162
Sferrazza, P. (D)	165,515
* "None of These Candidates"	24,570
Tombarello, Louis R. (L)	13,440
Attorney General	
Del Papa, Frankie Sue (D)	200,983
Maddox, Bill (R)	144,925
Hansen, Joel F. (IA)	22,402
* "None of These Candidates"	10,738
Supreme Court Justice, Seat C	
Rose, R.	151,246
Leavitt, M.	130,224
* "None of These Candidates"	89,235

1996 GENERAL ELECTION

President/Vice President	
Clinton/Gore (D)	203,974
Dole/Kemp (R)	199,244
Perot/Choate (Rcf)	43,986
* "None of These Candidates"	5,608
Nader/LaDuke	4,730
Browne/Jorgensen (L)	4,460
Phillips/Titus (IA)	1,732
Hagelin/Tompkins (NL)	545
Supreme Court Justice, Seat B	
Maupin, Bill	223,704
Hall, Kenneth L.	90,525
* "None of These Candidates"	84,178

(revised 2/99)

* emphasis added

Supreme Court Justice, Seat D

Young, Cliff	169,465
Jones, Steve	157,632
* "None of These Candidates"	88,840

1998 PRIMARY ELECTION**United States Senator(Republican)**

Ensign, John	105,263
Stephens, Ralph	13,679
* "None of These Candidates"	11,704

Governor(Democrat)

Adamson, Caesar	1,178
Champagne, Jim	1,964
Fitzpatrick, Patrick Matthew "Pat"	3,468
Geremia, John	781
Jones, Jan Laverty	62,495
Neal, Joe	16,646
Poliak, Carlo	630
Scott, Barbara	3,213
Swindle, Burvle "Ed"	1,591
* "None of These Candidates"	12,857

Governor(Republican)

Guinn, Kemy	76,953
Hammargren, Lonnie	13,410
Russo, Aaron	34,251
Westcott, Bruce	1,956
* "None of These Candidates"	5,783

Licutenant Governor(Democrat)

Hirsch, Ian D	10,953
McKinney-James, Rose	48,416
Montgomery, William H "Bill"	15,816
* "None of These Candidates"	23,150

Lieutenant Governor(Republican)	
Amador, Mary	4,732
Amador, Michael	3,320
Demers, Ann	3,236
Dicicco, Alan R	3,954
Hunt, Lorraine	63,161
Lusak, Stanleigh Harold	1,371
Royal, F Fuller	16,142
West, Ron	4,154
Winchester, Jessi	12,430
* "None of These Candidates"	13,330

State Treasurer(Republican)	
Krollicki, Brian	55,469
Santor, Ken	47,964
* "None of These Candidates"	17,830

State Controller(Republican)	
Augustine, Kathy	68,364
Earhart, Wally	31,215
* "None of These Candidates"	18,313

State Attorney General (Democrat)	
Del Papa, Frankie Sue	78,191
O'Connor, Marilyn	18,721
* "None of These Candidates"	6,157

1998 GENERAL ELECTION

United States Senator	
Cloud, Michael	8,129
Ensign, John	208,220
Reid, Harry	208,621
Williams, Michael E	2,781
* "None of These Candidates"	8,113

Governor	
Guinn, Kenny	223,892
Horne, Christopher	7,509
Jones, Jan Laverty	182,281
Savage, Terry C	7,307
* "None of These Candidates"	12,641

Lieutenant Governor	
Hansen, Daniel	17,085
Hunt, Lorraine	214,781
McKinney-James, Rosc	166,716
Savage, Karen	12,235
* "None of These Candidates"	16,096
Secretary of State	
Avery, Lois	24,080
Brost, Robert f	22,798
Dickens, Mary Ann	42,893
Heller, Dean	270,024
* "None of These Candidates"	51,763
State Treasurer	
Fylstra, Danicl	40,683
Krolicki, Brian	249,594
Yochum, Merritt K "lkc"	38,781
* "None of These Candidates"	72,852
State Controller	
Augustine, Kathy	194,017
Jefferson, Thomas	12,868
Lee, Jim	14,537
Sanada, Mary	173,101
* "None of These Candidates"	21,544
State Attorney General	
Cromwell, Kent	7,672
Del Papa, Frankie Sue	210,571
Hansen, Joel F	9,603
Scherer, Scott	182,489
* "None of These Candidates"	6,584
Supreme Court Justice, Seat A	
Shearing, Miriam	275,985
* "None of These Candidates"	91,381
Supreme Court Justice, Seat E	
Agosti, Deborah A	279,025
* "None of These Candidates"	81,609

Supreme Court Justice, Seat F

Leavitt, Myron

213,941

Powell, Michael

109,607

* "None of These Candidates"

58,526

Supreme Court Justice, Seat G

Becker, Nancy

286,525

* "None of These Candidates"

74,773

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(Revised 2/99)

* **emphasis added**

election/info/noabove