

ASSEMBLY BILL NO. 459—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 23, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections.
(BDR 24-1082)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to elections; requiring the Department of Motor Vehicles and certain courts to provide to the Secretary of State and relevant county clerk information related to persons who may not be citizens of the United States; requiring a county clerk to cancel the voter registration of certain persons; requiring the Department to request certain information from the Social Security Administration relating to persons who are not citizens of the United States; providing that the Department is not required to give an application to register to vote to certain persons who apply for driver authorization cards; requiring the Secretary of State to adopt certain regulations; requiring a person who claims that he or she is not qualified to act as a juror because he or she is not a citizen of the United States to submit a written affirmation; making various other changes relating to voter registration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law sets forth qualifications for voting in this State, including that a
- 2 voter must be a citizen of the United States. (Nev. Art. 2, § 1) Existing law requires
- 3 a county clerk to cancel the registration of a voter under certain circumstances,
- 4 including that a person is not a citizen of the United States. (NRS 293.535, 293.540,
- 5 293.541) **Sections 2 and 3** of this bill require, with limited exceptions, a county
- 6 clerk to cancel the voter registration of a person if: (1) the county clerk receives
- 7 certain information from the Department of Motor Vehicles or a court indicating



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that the person may not be a United States citizen; and (2) the person does not provide to the county clerk proof of citizenship. Before the county clerk cancels the voter registration of the person, **sections 2 and 3** require the county clerk to provide certain notification to the person. In order to conform with federal law, **sections 2 and 3** also prohibit a county clerk from cancelling the voter registration of a person or removing a person's name from the statewide voter registration less than 90 days before a primary or general election. (52 U.S.C. §§ 20507, 21083)

Existing law requires the Department of Motor Vehicles to provide an application to register to vote to each person who applies for the issuance or renewal of a driver's license or identification card. (NRS 293.524) **Section 5** of this bill provides that the Department is not required to provide an application to register to vote to a person who applies for the issuance of a driver authorization card if the person is not a citizen of the United States. **Section 5** also requires the Secretary of State to adopt regulations establishing a procedure to ensure that a person who is not a citizen of the United States does not submit an application to register to vote at the Department.

Existing law requires the Secretary of State to enter into an agreement with the Social Security Administration to verify the accuracy of information in an application to register to vote. (NRS 293.675) **Section 7** of this bill authorizes the Department to request information from the Social Security Administration regarding any person with a social security number who is not a citizen of the United States.

Section 8 of this bill requires a court of this State to notify the county clerk and Secretary of State if a person summoned for service on a jury claims to be ineligible because he or she is not a citizen of the United States.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *Not later than 30 calendar days after receiving an application for a driver authorization card pursuant to NRS 483.291 from a person who does not provide documents that prove he or she is a citizen of the United States, the Department of Motor Vehicles shall submit to the Secretary of State and the county clerk of the county in which the person resides the name, mailing address, residential address and any other relevant information of the person for purposes of determining whether the person is registered to vote. Any information provided pursuant to this subsection is confidential and not a public record. Such information may only be used for purposes of determining whether the person is registered to vote.*

2. *Not later than 5 business days after receiving information from the Department of Motor Vehicles pursuant to subsection 1, the county clerk shall determine whether the person who applied for a driver authorization card pursuant to NRS 483.291 and is not a citizen of the United States is registered to vote. If the person is registered to vote, the county clerk shall notify the person by*



1 registered or certified mail, return receipt requested, that the voter
2 registration of the person will be cancelled unless the person
3 submits to the county clerk proof of citizenship not later than 15
4 business days after the date on the return receipt.

5 3. If a person submits proof of citizenship to the county clerk:

6 (a) On or before 15 business days after the date on the return
7 receipt of the notification sent pursuant to subsection 2, the county
8 clerk shall not cancel the person's voter registration.

9 (b) More than 15 business days after the date on the return
10 receipt of the notification, the county clerk shall immediately
11 reinstate the person's voter registration and enter the person's
12 voter registration information on the statewide voter registration
13 list.

14 4. Except as otherwise provided in subsection 5, if a person
15 who receives a notice pursuant to subsection 2 does not submit
16 proof of citizenship on or before 15 business days after the date on
17 the return receipt of the notification sent pursuant to subsection 2,
18 the county clerk shall cancel the voter registration of the person
19 and remove the person from the statewide voter registration list.

20 5. The county clerk shall not cancel the registration of or
21 remove from the statewide voter registration list the name of a
22 person pursuant to this section less than 90 days before a primary
23 or general election.

24 6. For purposes of this section, the county clerk shall accept
25 the following forms of proof of citizenship:

26 (a) A birth certificate issued by a state, a political subdivision
27 of a state, the District of Columbia or any territory of the United
28 States;

29 (b) A driver's license issued by another state, the District of
30 Columbia or any territory of the United States which is issued
31 pursuant to the standards established by 6 C.F.R. Part 37,
32 Subparts A to E, inclusive, and which contains a security mark
33 approved by the United States Department of Homeland Security
34 in accordance with 6 C.F.R. § 37.17;

35 (c) A passport issued by the United States Government;

36 (d) A Certificate of Degree of Indian Blood issued by the
37 United States Government;

38 (e) A Certificate of Citizenship or Certificate of Naturalization;
39 or

40 (f) Any other form of identification issued by a governmental
41 agency that requires a person to demonstrate his or her citizenship
42 to receive such identification.

43 Sec. 3. 1. Not later than 5 business days after receiving a
44 written affirmation described in section 8 of this act, the county
45 clerk shall determine whether the person who submitted the



1 *written affirmation pursuant to section 8 of this act is registered to*
2 *vote. If the person is registered to vote, the county clerk shall*
3 *notify the person by registered or certified mail, return receipt*
4 *requested, that the voter registration of the person will be*
5 *cancelled unless the person submits to the county clerk proof of*
6 *citizenship not later than 15 business days after the date on the*
7 *return receipt.*

8 *2. If a person submits to the county clerk proof of citizenship:*

9 *(a) On or before 15 business days after the date on the return*
10 *receipt of the notification sent pursuant to subsection 1, the county*
11 *clerk shall not cancel the person's voter registration.*

12 *(b) More than 15 business days after the date on the return*
13 *receipt of the notification, the county clerk shall immediately*
14 *reinstate the person's voter registration and enter the person's*
15 *voter registration information on the statewide voter registration*
16 *list.*

17 *3. Except as otherwise provided in subsection 4, if a person*
18 *who receives a notice pursuant to subsection 1 does not submit*
19 *proof of citizenship on or before 15 business days after the date on*
20 *the return receipt of the notification sent pursuant to subsection 1,*
21 *the county clerk shall cancel the voter registration of the person*
22 *and remove the person from the statewide voter registration list.*

23 *4. The county clerk shall not cancel the registration of or*
24 *remove from the statewide voter registration list the name of a*
25 *person pursuant to this section less than 90 days before a primary*
26 *or general election.*

27 *5. For purposes of this section, the county clerk shall accept*
28 *the following forms of proof of citizenship:*

29 *(a) A birth certificate issued by a state, a political subdivision*
30 *of a state, the District of Columbia or any territory of the United*
31 *States;*

32 *(b) A driver's license issued by another state, the District of*
33 *Columbia or any territory of the United States which is issued*
34 *pursuant to the standards established by 6 C.F.R. Part 37,*
35 *Subparts A to E, inclusive, and which contains a security mark*
36 *approved by the United States Department of Homeland Security*
37 *in accordance with 6 C.F.R. § 37.17;*

38 *(c) A passport issued by the United States Government;*

39 *(d) A Certificate of Degree of Indian Blood issued by the*
40 *United States Government;*

41 *(e) A Certificate of Citizenship or Certificate of Naturalization;*
42 *or*

43 *(f) Any other form of identification issued by a governmental*
44 *agency that requires a person to demonstrate his or her citizenship*
45 *to receive such identification.*



1 **Sec. 4.** NRS 293.503 is hereby amended to read as follows:

2 293.503 1. The county clerk of each county where a registrar
3 of voters has not been appointed pursuant to NRS 244.164:

4 (a) Is ex officio county registrar and registrar for all precincts
5 within the county.

6 (b) Shall have the custody of all books, documents and papers
7 pertaining to registration provided for in this chapter.

8 2. All books, documents and papers pertaining to registration
9 are official records of the office of the county clerk.

10 3. The county clerk shall maintain records of any program or
11 activity that is conducted within the county to ensure the accuracy
12 and currency of the registrar of voters' register for not less than 2
13 years after creation. The records must include the names and
14 addresses of any person to whom a notice is mailed pursuant to NRS
15 293.5235, 293.530, or 293.535 *or section 2 or 3 of this act* and
16 whether the person responded to the notice.

17 4. Any program or activity that is conducted within the county
18 for the purpose of removing the name of each person who is
19 ineligible to vote in the county from the registrar of voters' register
20 must be complete not later than 90 days before the next primary or
21 general election.

22 5. Except as otherwise provided by subsection 6, all records
23 maintained by the county clerk pursuant to subsection 3 must be
24 available for public inspection.

25 6. Except as otherwise provided in NRS 239.0115, any
26 information relating to where a person registers to vote must remain
27 confidential and is not available for public inspection. Such
28 information may only be used by an election officer for purposes
29 related to voter registration.

30 **Sec. 5.** NRS 293.524 is hereby amended to read as follows:

31 293.524 1. The Department of Motor Vehicles shall provide
32 an application to register to vote to each person who applies for the
33 issuance or renewal of any type of driver's license or identification
34 card issued by the Department. *The provisions of this subsection do*
35 *not require the Department to give an application to register to*
36 *vote to a person who applies pursuant to NRS 483.291 for a driver*
37 *authorization card and is not a citizen of the United States.*

38 2. The county clerk shall use the applications to register to vote
39 which are signed and completed pursuant to subsection 1 to register
40 applicants to vote or to correct information in the registrar of voters'
41 register. An application that is not signed must not be used to
42 register or correct the registration of the applicant.

43 3. For the purposes of this section, each employee specifically
44 authorized to do so by the Director of the Department may oversee
45 the completion of an application. The authorized employee shall



1 check the application for completeness and verify the information
2 required by the application. Each application must include a
3 duplicate copy or receipt to be retained by the applicant upon
4 completion of the form. The Department shall, except as otherwise
5 provided in this subsection, forward each application on a weekly
6 basis to the county clerk or, if applicable, to the registrar of voters of
7 the county in which the applicant resides. The applications must be
8 forwarded daily during the 2 weeks immediately preceding the fifth
9 Sunday preceding an election.

10 4. The county clerk shall accept any application to register to
11 vote which is obtained from the Department of Motor Vehicles
12 pursuant to this section and completed by the fifth Sunday preceding
13 an election if the county clerk receives the application not later than
14 5 days after that date. Upon receipt of an application, the county
15 clerk or field registrar of voters shall determine whether the
16 application is complete. If the county clerk or field registrar of
17 voters determines that the application is complete, he or she shall
18 notify the applicant and the applicant shall be deemed to be
19 registered as of the date of the submission of the application. If the
20 county clerk or field registrar of voters determines that the
21 application is not complete, he or she shall notify the applicant of
22 the additional information required. The applicant shall be deemed
23 to be registered as of the date of the initial submission of the
24 application if the additional information is provided within 15 days
25 after the notice for the additional information is mailed. If the
26 applicant has not provided the additional information within 15 days
27 after the notice for the additional information is mailed, the
28 incomplete application is void. Any notification required by this
29 subsection must be given by mail at the mailing address on the
30 application not more than 7 working days after the determination is
31 made concerning whether the application is complete.

32 5. The county clerk shall use any form submitted to the
33 Department to correct information on a driver's license or
34 identification card to correct information in the registrar of voters'
35 register, unless the person indicates on the form that the correction
36 is not to be used for the purposes of voter registration. The
37 Department shall forward each such form to the county clerk or, if
38 applicable, to the registrar of voters of the county in which the
39 person resides in the same manner provided by subsection 3 for
40 applications to register to vote.

41 6. Upon receipt of a form to correct information, the county
42 clerk shall compare the information to that contained in the registrar
43 of voters' register. If the person is a registered voter, the county
44 clerk shall correct the information to reflect any changes indicated



1 on the form. After making any changes, the county clerk shall notify
2 the person by mail that the records have been corrected.

3 7. The Secretary of State shall, with the approval of the
4 Director, adopt regulations to:

5 (a) Establish any procedure necessary to provide an elector who
6 applies to register to vote pursuant to this section the opportunity to
7 do so;

8 (b) Prescribe the contents of any forms or applications which the
9 Department is required to distribute pursuant to this section; ~~and~~

10 (c) Provide for the transfer of the completed applications of
11 registration from the Department to the appropriate county clerk for
12 inclusion in the election board registers and registrar of voters'
13 register ~~+~~; and

14 *(d) Establish a procedure to ensure that a person who is not a*
15 *citizen of the United States does not submit an application to*
16 *register to vote to the Department.*

17 **Sec. 6.** NRS 293.540 is hereby amended to read as follows:

18 293.540 The county clerk shall cancel the registration:

19 1. If the county clerk has personal knowledge of the death of
20 the person registered, or if an authenticated certificate of the death
21 of any elector is filed in the county clerk's office.

22 2. If the county clerk is provided a certified copy of a court
23 order stating that the court specifically finds by clear and convincing
24 evidence that the person registered lacks the mental capacity to vote
25 because he or she cannot communicate, with or without
26 accommodations, a specific desire to participate in the voting
27 process.

28 3. Upon the determination that the person registered has been
29 convicted of a felony unless:

30 (a) If the person registered was convicted of a felony in this
31 State, the right to vote of the person has been restored pursuant to
32 the provisions of NRS 213.090, 213.155 or 213.157.

33 (b) If the person registered was convicted of a felony in another
34 state, the right to vote of the person has been restored pursuant to
35 the laws of the state in which the person was convicted.

36 4. Upon the production of a certified copy of the judgment of
37 any court directing the cancellation to be made.

38 5. Upon the request of any registered voter to affiliate with any
39 political party or to change affiliation, if that change is made before
40 the end of the last day to register to vote in the election.

41 6. At the request of the person registered.

42 7. If the county clerk has discovered an incorrect registration
43 pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 *or*
44 *section 2 or 3 of this act* and the elector has failed to respond or
45 appear to vote within the required time.



1 8. As required by NRS 293.541.

2 9. Upon verification that the application to register to vote is a
3 duplicate if the county clerk has the original or another duplicate of
4 the application on file in the county clerk's office.

5 **Sec. 7.** NRS 293.675 is hereby amended to read as follows:

6 293.675 1. The Secretary of State shall establish and
7 maintain an official statewide voter registration list, which may be
8 maintained on the Internet, in consultation with each county and city
9 clerk.

10 2. The statewide voter registration list must:

11 (a) Be a uniform, centralized and interactive computerized list;

12 (b) Serve as the single method for storing and managing the
13 official list of registered voters in this State;

14 (c) Serve as the official list of registered voters for the conduct
15 of all elections in this State;

16 (d) Contain the name and registration information of every
17 legally registered voter in this State;

18 (e) Include a unique identifier assigned by the Secretary of State
19 to each legally registered voter in this State;

20 (f) Except as otherwise provided in subsection 6, be coordinated
21 with the appropriate databases of other agencies in this State;

22 (g) Be electronically accessible to each state and local election
23 official in this State at all times;

24 (h) Except as otherwise provided in subsection 7, allow for data
25 to be shared with other states under certain circumstances; and

26 (i) Be regularly maintained to ensure the integrity of the
27 registration process and the election process.

28 3. Each county and city clerk shall:

29 (a) Electronically enter into the statewide voter registration list
30 all information related to voter registration obtained by the county
31 or city clerk at the time the information is provided to the county or
32 city clerk; and

33 (b) Provide the Secretary of State with information concerning
34 the voter registration of the county or city and other reasonable
35 information requested by the Secretary of State in the form required
36 by the Secretary of State to establish or maintain the statewide voter
37 registration list.

38 4. In establishing and maintaining the statewide voter
39 registration list, the Secretary of State shall enter into a cooperative
40 agreement with the Department of Motor Vehicles to match
41 information in the database of the statewide voter registration list
42 with information in the appropriate database of the Department of
43 Motor Vehicles to verify the accuracy of the information in an
44 application to register to vote.

45 5. The Department of Motor Vehicles shall ~~enter~~ :



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1 (a) *Enter* into an agreement with the Social Security
2 Administration pursuant to ~~42~~ 52 U.S.C. § ~~15483~~ 21083; and

3 (b) *Request that the Social Security Administration provide*
4 *information regarding any person with a social security number*
5 *who is not a citizen of the United States,*

6 ↳ to verify the accuracy of information in an application to register
7 to vote.

8 6. Except as otherwise provided in NRS 481.063 or any
9 provision of law providing for the confidentiality of information, the
10 Secretary of State may enter into an agreement with an agency of
11 this State pursuant to which the agency provides to the Secretary of
12 State any information in the possession of the agency that the
13 Secretary of State deems necessary to maintain the statewide voter
14 registration list.

15 7. The Secretary of State may:

16 (a) Request from the chief officer of elections of another state
17 any information which the Secretary of State deems necessary to
18 maintain the statewide voter registration list; and

19 (b) Provide to the chief officer of elections of another state any
20 information which is requested and which the Secretary of State
21 deems necessary for the chief officer of elections of that state to
22 maintain a voter registration list, if the Secretary of State is satisfied
23 that the information provided pursuant to this paragraph will be used
24 only for the maintenance of that voter registration list.

25 **Sec. 8.** Chapter 6 of NRS is hereby amended by adding thereto
26 a new section to read as follows:

27 1. *If a person who receives a summons to appear for jury*
28 *duty claims that he or she is not qualified to act as a juror because*
29 *he or she is not a citizen of the United States, the person must*
30 *submit to the court a written affirmation, signed under penalty of*
31 *perjury, to that effect. The written affirmation must include,*
32 *without limitation, the full name, mailing address and residential*
33 *address of the person.*

34 2. *A court must forward any written affirmation that the*
35 *court receives pursuant to subsection 1 to the Secretary of State*
36 *and the county clerk of the county in which the person resides not*
37 *later than 30 calendar days after receipt to verify that the person is*
38 *not registered to vote.*

39 3. *A written affirmation received by a court pursuant to*
40 *subsection 1 is confidential and not a public record.*

41 **Sec. 9.** NRS 239.010 is hereby amended to read as follows:

42 239.010 1. Except as otherwise provided in this section and
43 NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516,
44 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160,
45 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,



1 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
2 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
3 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
4 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130,
5 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
6 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245,
7 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801,
8 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450,
9 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662,
10 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140,
11 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
12 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
13 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300,
14 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
15 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
16 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140,
17 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350,
18 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025,
19 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135,
20 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070,
21 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
22 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
23 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080,
24 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275,
25 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264,
26 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460,
27 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
28 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320,
29 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175,
30 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,
31 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195,
32 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570,
33 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610,
34 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
35 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
36 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536,
37 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040,
38 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964,
39 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210,
40 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
41 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265,
42 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133,
43 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,
44 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185,
45 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089,



1 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400,
2 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191,
3 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625,
4 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225,
5 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320,
6 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065,
7 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133,
8 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340,
9 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190,
10 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280,
11 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
12 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117,
13 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196,
14 704B.320, 704B.325, 706.1725, 710.159, 711.600, *and sections 2*
15 *and 8 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of
16 Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013
17 and unless otherwise declared by law to be confidential, all public
18 books and public records of a governmental entity must be open at
19 all times during office hours to inspection by any person, and may
20 be fully copied or an abstract or memorandum may be prepared
21 from those public books and public records. Any such copies,
22 abstracts or memoranda may be used to supply the general public
23 with copies, abstracts or memoranda of the records or may be used
24 in any other way to the advantage of the governmental entity or of
25 the general public. This section does not supersede or in any manner
26 affect the federal laws governing copyrights or enlarge, diminish or
27 affect in any other manner the rights of a person in any written book
28 or record which is copyrighted pursuant to federal law.

29 2. A governmental entity may not reject a book or record
30 which is copyrighted solely because it is copyrighted.

31 3. A governmental entity that has legal custody or control of a
32 public book or record shall not deny a request made pursuant to
33 subsection 1 to inspect or copy or receive a copy of a public book or
34 record on the basis that the requested public book or record contains
35 information that is confidential if the governmental entity can
36 redact, delete, conceal or separate the confidential information from
37 the information included in the public book or record that is not
38 otherwise confidential.

39 4. A person may request a copy of a public record in any
40 medium in which the public record is readily available. An officer,
41 employee or agent of a governmental entity who has legal custody
42 or control of a public record:

43 (a) Shall not refuse to provide a copy of that public record in a
44 readily available medium because the officer, employee or agent has



1 already prepared or would prefer to provide the copy in a different
2 medium.

3 (b) Except as otherwise provided in NRS 239.030, shall, upon
4 request, prepare the copy of the public record and shall not require
5 the person who has requested the copy to prepare the copy himself
6 or herself.

7 **Sec. 10.** NRS 481.063 is hereby amended to read as follows:

8 481.063 1. The Director may charge and collect reasonable
9 fees for official publications of the Department and from persons
10 making use of files and records of the Department or its various
11 divisions for a private purpose. All money so collected must be
12 deposited in the State Treasury for credit to the Motor Vehicle Fund.

13 2. Except as otherwise provided in subsection 6, the Director
14 may release personal information, except a photograph, from a file
15 or record relating to the driver's license, identification card, or title
16 or registration of a vehicle of a person if the requester submits a
17 written release from the person who holds a lien on the vehicle, or
18 an agent of that person, or the person about whom the information is
19 requested which is dated not more than 90 days before the date of
20 the request. The written release must be in a form required by the
21 Director.

22 3. Except as otherwise provided in subsections 2 and 4, the
23 Director shall not release to any person who is not a representative
24 of the Division of Welfare and Supportive Services of the
25 Department of Health and Human Services or an officer, employee
26 or agent of a law enforcement agency, an agent of the public
27 defender's office or an agency of a local government which collects
28 fines imposed for parking violations, who is not conducting an
29 investigation pursuant to NRS 253.0415 or 253.220, who is not
30 authorized to transact insurance pursuant to chapter 680A of NRS or
31 who is not licensed as a private investigator pursuant to chapter 648
32 of NRS and conducting an investigation of an insurance claim:

33 (a) A list which includes license plate numbers combined with
34 any other information in the records or files of the Department;

35 (b) The social security number of any person, if it is requested to
36 facilitate the solicitation of that person to purchase a product or
37 service; or

38 (c) The name, address, telephone number or any other
39 personally identifiable information if the information is requested by
40 the presentation of a license plate number.

41 ➔ When such personally identifiable information is requested of a
42 law enforcement agency by the presentation of a license plate
43 number, the law enforcement agency shall conduct an investigation
44 regarding the person about whom information is being requested or,
45 as soon as practicable, provide the requester with the requested



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1 information if the requester officially reports that the motor vehicle
2 bearing that license plate was used in a violation of NRS 205.240,
3 205.345, 205.380 or 205.445.

4 4. If a person is authorized to obtain such information pursuant
5 to a contract entered into with the Department and if such
6 information is requested for the purpose of an advisory notice
7 relating to a motor vehicle or the recall of a motor vehicle or for the
8 purpose of providing information concerning the history of a
9 vehicle, the Director may release:

10 (a) A list which includes license plate numbers combined with
11 any other information in the records or files of the Department; or

12 (b) The name, address, telephone number or any other
13 personally identifiable information if the information is requested by
14 the presentation of a license plate number.

15 5. Except as otherwise provided in subsections 2, 4 and 6 and
16 NRS **483.291**, 483.294, 483.855 and 483.937, **and section 2 of this**
17 **act**, the Director shall not release any personal information from a
18 file or record relating to a driver's license, identification card, or
19 title or registration of a vehicle.

20 6. Except as otherwise provided in paragraph (a) and
21 subsection 7, if a person or governmental entity provides a
22 description of the information requested and its proposed use and
23 signs an affidavit to that effect, the Director may release any
24 personal information, except a photograph, from a file or record
25 relating to a driver's license, identification card, or title or
26 registration of a vehicle for use:

27 (a) By any governmental entity, including, but not limited to,
28 any court or law enforcement agency, in carrying out its functions,
29 or any person acting on behalf of a federal, state or local
30 governmental agency in carrying out its functions. The personal
31 information may include a photograph from a file or record relating
32 to a driver's license, identification card, or title or registration of a
33 vehicle.

34 (b) In connection with any civil, criminal, administrative or
35 arbitration proceeding before any federal or state court, regulatory
36 body, board, commission or agency, including, but not limited to,
37 use for service of process, investigation in anticipation of litigation,
38 and execution or enforcement of judgments and orders, or pursuant
39 to an order of a federal or state court.

40 (c) In connection with matters relating to:

- 41 (1) The safety of drivers of motor vehicles;
42 (2) Safety and thefts of motor vehicles;
43 (3) Emissions from motor vehicles;
44 (4) Alterations of products related to motor vehicles;



(5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;

(6) Monitoring the performance of motor vehicles;

(7) Parts or accessories of motor vehicles;

(8) Dealers of motor vehicles; or

(9) Removal of nonowner records from the original records of motor vehicle manufacturers.

(d) By any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.

(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.

(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.

(g) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.

(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

7. Except as otherwise provided in paragraph (j) of subsection 6, the Director shall not provide personal information to individuals or companies for the purpose of marketing extended vehicle warranties, and a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 6. Such a person shall keep and maintain for 5 years a record of:

(a) Each person to whom the information is provided; and

(b) The purpose for which that person will use the information.

➔ The record must be made available for examination by the Department at all reasonable times upon request.

8. Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably



1 believes that the information taken may be used for an unwarranted
2 invasion of a particular person's privacy.

3 9. Except as otherwise provided in NRS 485.316, the Director
4 shall not allow any person to make use of information retrieved
5 from the system created pursuant to NRS 485.313 for a private
6 purpose and shall not in any other way release any information
7 retrieved from that system.

8 10. The Director shall not release any information relating to
9 legal presence or any other information relating to or describing
10 immigration status, nationality or citizenship from a file or record
11 relating to a request for or the issuance of a license, identification
12 card or title or registration of a vehicle to any person or to any
13 federal, state or local governmental entity for any purpose relating to
14 the enforcement of immigration laws.

15 11. The Director shall adopt such regulations as the Director
16 deems necessary to carry out the purposes of this section. In
17 addition, the Director shall, by regulation, establish a procedure
18 whereby a person who is requesting personal information may
19 establish an account with the Department to facilitate the person's
20 ability to request information electronically or by written request if
21 the person has submitted to the Department proof of employment or
22 licensure, as applicable, and a signed and notarized affidavit
23 acknowledging that the person:

24 (a) Has read and fully understands the current laws and
25 regulations regarding the manner in which information from the
26 Department's files and records may be obtained and the limited uses
27 which are permitted;

28 (b) Understands that any sale or disclosure of information so
29 obtained must be in accordance with the provisions of this section;

30 (c) Understands that a record will be maintained by the
31 Department of any information he or she requests; and

32 (d) Understands that a violation of the provisions of this section
33 is a criminal offense.

34 12. It is unlawful for any person to:

35 (a) Make a false representation to obtain any information from
36 the files or records of the Department.

37 (b) Knowingly obtain or disclose any information from the files
38 or records of the Department for any use not permitted by the
39 provisions of this chapter.

40 13. As used in this section:

41 (a) "Information relating to legal presence" means information
42 that may reveal whether a person is legally present in the United
43 States, including, without limitation, whether the driver's license
44 that a person possesses is a driver authorization card, whether the
45 person applied for a driver's license pursuant to NRS 483.290 or



1 483.291 and the documentation used to prove name, age and
2 residence that was provided by the person with his or her application
3 for a driver's license.

4 (b) "Personal information" means information that reveals the
5 identity of a person, including, without limitation, his or her
6 photograph, social security number, individual taxpayer
7 identification number, driver's license number, identification card
8 number, name, address, telephone number or information regarding
9 a medical condition or disability. The term does not include the zip
10 code of a person when separate from his or her full address,
11 information regarding vehicular accidents or driving violations in
12 which he or she has been involved or other information otherwise
13 affecting his or her status as a driver.

14 (c) "Vehicle" includes, without limitation, an off-highway
15 vehicle as defined in NRS 490.060.

