

Amendment No. 517

| | |
|--|---------------|
| Assembly Amendment to Assembly Bill No. 459 | (BDR 24-1082) |
| Proposed by: Assembly Committee on Legislative Operations and Elections | |
| Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes | |

| ASSEMBLY ACTION | | Initial and Date | SENATE ACTION | | Initial and Date |
|-----------------|--------------------------|-------------------------------|---------------|--------------------------|-------------------------------|
| Adopted | <input type="checkbox"/> | Lost <input type="checkbox"/> | Adopted | <input type="checkbox"/> | Lost <input type="checkbox"/> |
| Concurred In | <input type="checkbox"/> | Not <input type="checkbox"/> | Concurred In | <input type="checkbox"/> | Not <input type="checkbox"/> |
| Receded | <input type="checkbox"/> | Not <input type="checkbox"/> | Receded | <input type="checkbox"/> | Not <input type="checkbox"/> |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

HAC/KCP



Date: 4/16/2015

A.B. No. 459—Revises provisions relating to elections. (BDR 24-1082)



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.

~

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, with limited exception, that certain information relating to elections or voter registration which is confidential or not a public record is also not subject to discovery or subpoena;** 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 ~~that~~ **for purposes of verifying that the person is not a registered voter;** making various other changes relating to voter registration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth qualifications for voting in this State, including that a voter must be a citizen of the United States. (Nev. **Const.** Art. 2, § 1) Existing law requires a county clerk to cancel the registration of a voter under certain circumstances, including that a person is not a citizen of the United States. (NRS 293.535, 293.540, 293.541) **Sections 2 and 3** of this bill require, with limited exceptions, a county clerk to cancel the voter registration of a person if ~~(1) the county clerk receives certain information from the Department of Motor Vehicles or a court indicating 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 that person.~~ **In order to conform with federal law, sections 2 and 3 also prohibit to be given certain notice that his or her voter registration will be cancelled. Sections 2 and 3 provide that** a county clerk ~~from cancelling~~ **is not required to cancel the**

voter registration of a person or ~~removing~~ remove a person's name from the statewide voter registration less than 90 days before a primary or general election. ~~if doing so is prohibited by ((52 U.S.C. §§ 20507, 21082)) federal law.~~

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. ~~for purposes of verifying that the person is not a registered voter.~~

Existing law provides that certain information relating to elections or voter registration is confidential or is not a public record. (NRS 293.503, 293B.135, 293D.510) Section 3.5 of this bill provides that any such information is also not subject to discovery or subpoena in a civil action or criminal prosecution absent the consent of the person about whom the information pertains. This provision also would apply to the information declared to be confidential and not a public record pursuant to sections 2, 3 and 8.

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 and 3.5 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 full name, date of birth, mailing address ~~and~~ 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.~~ The Department may submit the information to the Secretary of State and county clerks through the use of electronic transmission if the information will be securely transmitted and stored by the Department, Secretary of State and county clerks. If the Department creates a record for purposes of submitting the information to the Secretary of State or a county clerk, the Department shall destroy the record immediately after submitting the record pursuant to this subsection.*

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

1 vote. If the person is registered to vote, the county clerk shall notify the person by
2 registered or certified mail, return receipt requested, that the voter registration of
3 the person will be cancelled unless the person submits to the county clerk proof of
4 citizenship not later than 15 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 receipt of the
7 notification sent pursuant to subsection 2, the county clerk shall not cancel the
8 person's voter registration.

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

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

18 5. The county clerk ~~shall~~ is not required to cancel the voter registration of
19 the person or remove the person from the statewide voter registration list ~~the~~
20 ~~name of a person~~ pursuant to this section less than 90 days before a primary or
21 general election ~~if~~ if such an action is prohibited by the National Voter
22 Registration Act of 1993, 52 U.S.C. §§ 20501 et seq., as amended, or any other
23 federal law.

24 6. For purposes of this section, the county clerk shall accept the following
25 forms of proof of citizenship ~~if~~ if the person displays an original or certified copy
26 thereof:

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

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

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

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

37 (e) A Certificate of Citizenship or Certificate of Naturalization; or

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

41 7. Information submitted by the Department of Motor Vehicles or received
42 by the Secretary of State or a county clerk pursuant to this section:

43 (a) Is confidential and is not a public record; and

44 (b) May only be used for purposes of determining whether a person is
45 registered to vote.

46 Sec. 3. 1. Not later than 5 business days after receiving from a court a
47 written affirmation described in section 8 of this act ~~if~~ signed under penalty of
48 perjury by a person who receives a summons to appear for jury duty and who
49 declares that he or she is not qualified to act as a juror because he or she is not a
50 citizen of the United States, the county clerk shall determine whether the person
51 who ~~submitted~~ signed the written affirmation pursuant to section 8 of this act is
52 registered to vote. ~~if~~

1 2. Except as otherwise provided in subsection 3, if the person is registered to
2 vote, the county clerk shall ~~notify the person by registered or certified mail,~~
3 ~~return receipt requested, that the voter registration of the person will be cancelled~~
4 ~~unless the person submits to the county clerk proof of citizenship not later than~~
5 ~~15 business days after the date on the return receipt.~~

6 ~~2. If a person submits to the county clerk proof of citizenship:~~

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

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

14 ~~3. Except as otherwise provided in subsection 4, if a person who receives a~~
15 ~~notice pursuant to subsection 1 does not submit proof of citizenship on or before~~
16 ~~15 business days after the date on the return receipt of the notification sent~~
17 ~~pursuant to subsection 1, the county clerk shall cancel the voter registration of~~
18 ~~the person and remove the person from the statewide voter registration list.~~

19 3. The county clerk ~~shall~~ is not required to cancel the voter
20 registration of the person or remove the person from the statewide voter
21 registration list ~~[the name of a person]~~ pursuant to this section less than 90 days
22 before a primary or general election.

23 ~~5. For purposes of this section, the county clerk shall accept the following~~
24 ~~forms of proof of citizenship:~~

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

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

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

33 ~~(d) A Certificate of Degree of Indian Blood issued by the United States~~
34 ~~Government;~~

35 ~~(e) A Certificate of Citizenship or Certificate of Naturalization; or~~

36 ~~(f) Any other form of identification issued by a governmental agency that~~
37 ~~requires a person to demonstrate his or her citizenship to receive such~~
38 ~~identification.] if such an action is prohibited by the National Voter Registration~~
39 ~~Act of 1993, 52 U.S.C. §§ 20501 et seq., as amended, or any other federal law.~~

40 4. Information contained in a written affirmation:

41 (a) Is confidential and is not a public record; and

42 (b) May not be used for purposes other than cancelling the voter registration
43 of a person pursuant to this section.

44 Sec. 3.5. If any provision of this title declares that information is
45 confidential or is not a public record, the information is not subject to discovery
46 or subpoena in a civil action or criminal prosecution absent the consent of the
47 person about whom the information pertains.

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

49 293.503 1. The county clerk of each county where a registrar of voters has
50 not been appointed pursuant to NRS 244.164:

51 (a) Is ex officio county registrar and registrar for all precincts within the
52 county.

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

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

3. The county clerk shall maintain records of any program or activity that is conducted within the county to ensure the accuracy and currency of the registrar of voters' register for not less than 2 years after creation. The records must include the names and addresses of any person to whom a notice is mailed pursuant to NRS 293.5235, 293.530, or 293.535 *or section 2 ~~for 24~~ of this act* and whether the person responded to the notice.

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

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

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

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

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

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

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.

4. The county clerk shall accept any application to register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the application. If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be registered as of the date of the initial submission of the application if the additional information is provided within 15

1 days after the notice for the additional information is mailed. If the applicant has
2 not provided the additional information within 15 days after the notice for the
3 additional information is mailed, the incomplete application is void. Any
4 notification required by this subsection must be given by mail at the mailing
5 address on the application not more than 7 working days after the determination is
6 made concerning whether the application is complete.

7 5. The county clerk shall use any form submitted to the Department to correct
8 information on a driver's license or identification card to correct information in the
9 registrar of voters' register, unless the person indicates on the form that the
10 correction is not to be used for the purposes of voter registration. The Department
11 shall forward each such form to the county clerk or, if applicable, to the registrar of
12 voters of the county in which the person resides in the same manner provided by
13 subsection 3 for applications to register to vote.

14 6. Upon receipt of a form to correct information, the county clerk shall
15 compare the information to that contained in the registrar of voters' register. If the
16 person is a registered voter, the county clerk shall correct the information to reflect
17 any changes indicated on the form. After making any changes, the county clerk
18 shall notify the person by mail that the records have been corrected.

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

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

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

25 (c) Provide for the transfer of the completed applications of registration from
26 the Department to the appropriate county clerk for inclusion in the election board
27 registers and registrar of voters' register ~~and~~; and

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

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

31 293.540 The county clerk shall cancel the registration:

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

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

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

42 (a) If the person registered was convicted of a felony in this State, the right to
43 vote of the person has been restored pursuant to the provisions of NRS 213.090,
44 213.155 or 213.157.

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

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

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

53 6. At the request of the person registered.

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

8. As required by NRS 293.541 *or section 3 of this act.*

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

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

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

~~2. The statewide voter registration list must:~~

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

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

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

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

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

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

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

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

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

~~3. Each county and city clerk shall:~~

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

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

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

~~5. The Department of Motor Vehicles shall [enter]:~~

~~(a) Enter into an agreement with the Social Security Administration pursuant to [42] 52 U.S.C. § [15482.] 21082; and~~

~~(b) Request that the Social Security Administration provide information regarding any person with a social security number who is not a citizen of the United States;~~

~~to verify the accuracy of information in an application to register to vote.~~

~~6. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency~~

provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

7. The Secretary of State may:

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

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

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

1. If a person ~~who~~ receives a summons to appear for jury duty and the person 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, the person ~~must~~ shall submit to the court a written affirmation, signed under penalty of perjury, ~~not~~ declaring that ~~he or she is not a citizen of the United States.~~ the person is not qualified to act as a juror because he or she is not a citizen of the United States. The written affirmation must be dated and include, without limitation ~~the following~~:

(a) The full name, date of birth, mailing address and residential address of the person ~~is~~; and

(b) A statement in the form prescribed by the Secretary of State that, by signing the written affirmation, the person understands that if he or she is registered to vote in this State, his or her voter registration will be cancelled pursuant to section 3 of this act.

2. ~~The~~ The court must forward any written affirmation that the court receives pursuant to subsection 1 to the Secretary of State and the county clerk of the county in which the person resides not later than 30 calendar days after receipt of the written affirmation in order for the county clerk to verify pursuant to section 3 of this act that the person is not registered to vote. The court may submit the written affirmation to the Secretary of State and relevant county clerk through the use of electronic transmission if the information will be securely transmitted and stored by the court, Secretary of State and county clerk.

3. ~~The~~ The information contained on a written affirmation received by a court pursuant to subsection 1 ~~is~~:

(a) Is confidential and is not a public record ~~is~~;

(b) Is not subject to discovery or subpoena in a civil action or criminal prosecution absent the consent of the person who submitted the written affirmation; and

(c) May not be used for purposes other than cancelling the voter registration of the person pursuant to section 3 of this act.

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

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044,

1 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801,
2 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
3 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925,
4 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105,
5 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
6 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105,
7 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,
8 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335,
9 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105,
10 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025,
11 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110,
12 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727,
13 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240,
14 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
15 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275,
16 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271,
17 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295,
18 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070,
19 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205,
20 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,
21 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230,
22 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545,
23 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
24 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790,
25 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800,
26 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583,
27 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210,
28 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425,
29 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185,
30 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121,
31 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185,
32 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485,
33 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760,
34 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189,
35 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
36 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320,
37 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
38 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
39 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152,
40 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260,
41 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
42 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
43 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325,
44 706.1725, 710.159, 711.600, *and sections 2, 3 and 8 of this act*, sections 35, 38
45 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391,
46 Statutes of Nevada 2013 and unless otherwise declared by law to be confidential,
47 all public books and public records of a governmental entity must be open at all
48 times during office hours to inspection by any person, and may be fully copied or
49 an abstract or memorandum may be prepared from those public books and public
50 records. Any such copies, abstracts or memoranda may be used to supply the
51 general public with copies, abstracts or memoranda of the records or may be used
52 in any other way to the advantage of the governmental entity or of the general
53 public. This section does not supersede or in any manner affect the federal laws

governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

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

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

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

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

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

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

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

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

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

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

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

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

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

13 5. Except as otherwise provided in subsections 2, 4 and 6 and NRS **483.291,**
14 **483.294, 483.855 and 483.937, and section 2 of this act,** the Director shall not
15 release any personal information from a file or record relating to a driver's license,
16 identification card, or title or registration of a vehicle.

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

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

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

32 (c) In connection with matters relating to:

- 33 (1) The safety of drivers of motor vehicles;
34 (2) Safety and thefts of motor vehicles;
35 (3) Emissions from motor vehicles;
36 (4) Alterations of products related to motor vehicles;
37 (5) An advisory notice relating to a motor vehicle or the recall of a motor

38 vehicle;

- 39 (6) Monitoring the performance of motor vehicles;
40 (7) Parts or accessories of motor vehicles;
41 (8) Dealers of motor vehicles; or
42 (9) Removal of nonowner records from the original records of motor

43 vehicle manufacturers.

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

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

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

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

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

9 (i) In connection with an investigation conducted pursuant to NRS 253.0415 or
10 253.220.

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

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

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

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

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

24 8. Except as otherwise provided in subsection 2, the Director may deny any
25 use of the files and records if the Director reasonably believes that the information
26 taken may be used for an unwarranted invasion of a particular person's privacy.

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

31 10. The Director shall not release any information relating to legal presence
32 or any other information relating to or describing immigration status, nationality or
33 citizenship from a file or record relating to a request for or the issuance of a license,
34 identification card or title or registration of a vehicle to any person or to any
35 federal, state or local governmental entity for any purpose relating to the
36 enforcement of immigration laws.

37 11. The Director shall adopt such regulations as the Director deems necessary
38 to carry out the purposes of this section. In addition, the Director shall, by
39 regulation, establish a procedure whereby a person who is requesting personal
40 information may establish an account with the Department to facilitate the person's
41 ability to request information electronically or by written request if the person has
42 submitted to the Department proof of employment or licensure, as applicable, and a
43 signed and notarized affidavit acknowledging that the person:

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

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

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

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

53 12. It is unlawful for any person to:

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

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

5 13. As used in this section:

6 (a) "Information relating to legal presence" means information that may reveal
7 whether a person is legally present in the United States, including, without
8 limitation, whether the driver's license that a person possesses is a driver
9 authorization card, whether the person applied for a driver's license pursuant to
10 NRS 483.290 or 483.291 and the documentation used to prove name, age and
11 residence that was provided by the person with his or her application for a driver's
12 license.

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

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