

SENATE BILL NO. 437—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 23, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections.
(BDR 24-1147)

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 clerks certain information related to persons who may not be citizens of the United States; requiring a county clerk to cancel the voter registration of persons who may not be citizens of the United States; requiring the Department to submit information to the Secretary of State relating to persons who have a driver's license, identification card or driver's authorization card that expires on a date other than the person's birthday; requiring the Department to use certain federal programs to verify the accuracy of information in an application to register to vote; requiring the Secretary of State to request certain information from and provide certain information to other states; 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; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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



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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 2-4** require the county clerk to provide certain notification to the person. In order to conform with federal law, **sections 2-4** also prohibit a county clerk from cancelling the voter registration of a person or removing a person's name from the statewide voter registration list less than 90 days before a primary or general election. (52 U.S.C. §§ 20507, 21083)

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 requires the Department to also use the E-Verify system and the Systematic Alien Verification for Entitlements Program of the United States Department of Homeland Security to verify the accuracy of information in an application to register to vote.

Existing law authorizes the Secretary of State to: (1) 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 (2) provide to the chief officer of elections of another state certain information. (NRS 293.675) **Section 7** requires the Secretary of State to: (1) request such information from every state; and (2) provide such information to other 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, 3 and 4 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 registered or certified mail, return receipt requested, that the voter registration of the person will be cancelled unless the person submits to the county clerk proof of citizenship not later than 15 business days after the date on the return receipt.*



3. *If a person submits proof of citizenship to the county clerk:*
(a) *On or before 15 business days after the date on the return receipt of the notification sent pursuant to subsection 2, the county clerk shall not cancel the person's voter registration.*

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

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

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

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

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

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

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

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

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

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

Sec. 3. 1. *Not later than 5 business days after receiving a written affirmation described in section 8 of this act, the county clerk shall determine whether the person who submitted the written affirmation is registered to vote. If the person is registered to vote, the county clerk shall notify the person by registered or certified mail, return receipt requested, that the voter registration of the person will be cancelled unless the person submits to the*



1 *county clerk proof of citizenship not later than 15 business days*
2 *after the date on the return receipt.*

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

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

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

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

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

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

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

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

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

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

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

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

41 **Sec. 4. 1.** *Not less than once every 30 days, the Department*
42 *of Motor Vehicles shall submit to the Secretary of State*
43 *information from the appropriate database of the Department*
44 *relating to any person:*



1 (a) Who has a driver's license, identification card or driver's
2 authorization card; and

3 (b) Whose driver's license, identification card or driver's
4 authorization card, as applicable, has an expiration date other
5 than the person's birthday.

6 2. Any information provided pursuant to subsection 1 is
7 confidential and not a public record. Such information may only
8 be used for purposes of determining whether a person is not a
9 citizen of the United States and is registered to vote.

10 3. Not later than 5 business days after receiving information
11 about a person from the Department of Motor Vehicles pursuant
12 to subsection 1, the Secretary of State shall determine whether the
13 person is not a citizen of the United States and is registered to vote.
14 If the Secretary of State determines that the person is not a citizen
15 of the United States and is registered to vote, the Secretary of State
16 shall forward the person's information to the county clerk of the
17 county where the person resides.

18 4. Not later than 5 business days after receiving information
19 from the Secretary of State, the county clerk shall notify the
20 person by registered or certified mail, return receipt requested,
21 that the voter registration of the person will be cancelled unless
22 the person submits to the county clerk proof of citizenship not
23 later than 15 business days after the date on the return receipt.

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

25 (a) On or before 15 business days after the date on the return
26 receipt of the notification sent pursuant to subsection 4, the county
27 clerk shall not cancel the person's voter registration.

28 (b) More than 15 business days after the date on the return
29 receipt of the notification, the county clerk shall immediately
30 reinstate the person's voter registration and enter the person's
31 voter registration information on the statewide voter registration
32 list.

33 6. Except as otherwise provided in subsection 7, if a person
34 who receives a notice pursuant to subsection 4 does not submit
35 proof of citizenship on or before 15 business days after the date on
36 the return receipt of the notification sent pursuant to subsection 4,
37 the county clerk shall cancel the voter registration of the person
38 and remove the person from the statewide voter registration list.

39 7. The county clerk shall not cancel the registration of or
40 remove from the statewide voter registration list the name of a
41 person pursuant to this section less than 90 days before a primary
42 or general election.

43 8. For purposes of this section, the county clerk shall accept
44 the following forms of proof of citizenship:



1 (a) *A birth certificate issued by a state, a political subdivision*
2 *of a state, the District of Columbia or any territory of the United*
3 *States;*

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

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

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

13 (e) *A Certificate of Citizenship or Certificate of Naturalization;*
14 *or*

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

18 **Sec. 5.** NRS 293.503 is hereby amended to read as follows:

19 293.503 1. The county clerk of each county where a registrar
20 of voters has not been appointed pursuant to NRS 244.164:

21 (a) Is ex officio county registrar and registrar for all precincts
22 within the county.

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

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

27 3. The county clerk shall maintain records of any program or
28 activity that is conducted within the county to ensure the accuracy
29 and currency of the registrar of voters' register for not less than 2
30 years after creation. The records must include the names and
31 addresses of any person to whom a notice is mailed pursuant to NRS
32 293.5235, 293.530, or 293.535 *or section 2, 3 or 4 of this act* and
33 whether the person responded to the notice.

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

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

42 6. Except as otherwise provided in NRS 239.0115, any
43 information relating to where a person registers to vote must remain
44 confidential and is not available for public inspection. Such



1 information may only be used by an election officer for purposes
2 related to voter registration.

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

4 293.540 The county clerk shall cancel the registration:

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

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

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

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

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

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

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

27 6. At the request of the person registered.

28 7. If the county clerk has discovered an incorrect registration
29 pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 *or*
30 *section 2, 3 or 4 of this act* and the elector has failed to respond or
31 appear to vote within the required time.

32 8. As required by NRS 293.541.

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

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

37 293.675 1. The Secretary of State shall establish and
38 maintain an official statewide voter registration list, which may be
39 maintained on the Internet, in consultation with each county and city
40 clerk.

41 2. The statewide voter registration list must:

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

43 (b) Serve as the single method for storing and managing the
44 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~~ 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. § ~~15483~~ 21083; and

(b) *To the extent allowed by federal law, use the federal E-Verify system and the Systematic Alien Verification for Entitlements Program of the United States Department of Homeland Security,*

→ 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



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

4 7. The Secretary of State ~~may:~~ **shall:**

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

8 (b) Provide to the chief officer of elections of ~~another~~ **every**
9 state any information which is requested and which the Secretary of
10 State deems necessary for the chief officer of elections of that state
11 to maintain a voter registration list, if the Secretary of State is
12 satisfied that the information provided pursuant to this paragraph
13 will be used only for the maintenance of that voter registration list.

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

16 ***1. If a person who receives a summons to appear for jury***
17 ***duty claims that he or she is not qualified to act as a juror because***
18 ***he or she is not a citizen of United States, the person must submit***
19 ***to the court a written affirmation, signed under penalty of perjury,***
20 ***to that effect. The written affirmation must include, without***
21 ***limitation, the full name, mailing address and residential address***
22 ***of the person.***

23 ***2. A court must forward any written affirmation that the***
24 ***court receives pursuant to subsection 1 to the Secretary of State***
25 ***and the county clerk of the county in which the person resides not***
26 ***later than 30 calendar days after receipt to verify that the person is***
27 ***not registered to vote.***

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

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

31 239.010 1. Except as otherwise provided in this section and
32 NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516,
33 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160,
34 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
35 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
36 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
37 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
38 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130,
39 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
40 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245,
41 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801,
42 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450,
43 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662,
44 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140,
45 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,



1 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
2 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300,
3 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
4 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
5 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140,
6 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350,
7 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025,
8 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135,
9 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070,
10 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
11 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
12 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080,
13 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275,
14 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264,
15 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460,
16 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
17 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320,
18 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175,
19 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,
20 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195,
21 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570,
22 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610,
23 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,
25 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536,
26 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040,
27 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964,
28 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210,
29 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
30 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265,
31 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133,
32 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,
33 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185,
34 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089,
35 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400,
36 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191,
37 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625,
38 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225,
39 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320,
40 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065,
41 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133,
42 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340,
43 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190,
44 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280,
45 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,



1 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117,
2 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196,
3 704B.320, 704B.325, 706.1725, 710.159, 711.600, *and sections 2,*
4 *3, 4 and 8 of this act*, sections 35, 38 and 41 of chapter 478, Statutes
5 of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada
6 2013 and unless otherwise declared by law to be confidential, all
7 public books and public records of a governmental entity must be
8 open at all times during office hours to inspection by any person,
9 and may be fully copied or an abstract or memorandum may be
10 prepared from those public books and public records. Any such
11 copies, abstracts or memoranda may be used to supply the general
12 public with copies, abstracts or memoranda of the records or may be
13 used in any other way to the advantage of the governmental entity or
14 of the general public. This section does not supersede or in any
15 manner affect the federal laws governing copyrights or enlarge,
16 diminish or affect in any other manner the rights of a person in any
17 written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

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

41 481.063 1. The Director may charge and collect reasonable
42 fees for official publications of the Department and from persons
43 making use of files and records of the Department or its various
44 divisions for a private purpose. All money so collected must be
45 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 information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

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

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



* S B 4 3 7 *

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

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

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

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

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

(c) In connection with matters relating to:

- (1) The safety of drivers of motor vehicles;
- (2) Safety and thefts of motor vehicles;
- (3) Emissions from motor vehicles;
- (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.



* S B 4 3 7 *

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

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

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

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

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

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

21 7. Except as otherwise provided in paragraph (j) of subsection
22 6, the Director shall not provide personal information to individuals
23 or companies for the purpose of marketing extended vehicle
24 warranties, and a person who requests and receives personal
25 information may sell or disclose that information only for a use
26 permitted pursuant to subsection 6. Such a person shall keep and
27 maintain for 5 years a record of:

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

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

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

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

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

41 10. The Director shall not release any information relating to
42 legal presence or any other information relating to or describing
43 immigration status, nationality or citizenship from a file or record
44 relating to a request for or the issuance of a license, identification
45 card or title or registration of a vehicle to any person or to any



* S B 4 3 7 *

1 federal, state or local governmental entity for any purpose relating to
2 the enforcement of immigration laws.

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

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

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

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

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

22 12. It is unlawful for any person to:

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

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

28 13. As used in this section:

29 (a) "Information relating to legal presence" means information
30 that may reveal whether a person is legally present in the United
31 States, including, without limitation, whether the driver's license
32 that a person possesses is a driver authorization card, whether the
33 person applied for a driver's license pursuant to NRS 483.290 or
34 483.291 and the documentation used to prove name, age and
35 residence that was provided by the person with his or her application
36 for a driver's license.

37 (b) "Personal information" means information that reveals the
38 identity of a person, including, without limitation, his or her
39 photograph, social security number, individual taxpayer
40 identification number, driver's license number, identification card
41 number, name, address, telephone number or information regarding
42 a medical condition or disability. The term does not include the zip
43 code of a person when separate from his or her full address,
44 information regarding vehicular accidents or driving violations in



1 which he or she has been involved or other information otherwise
2 affecting his or her status as a driver.

3 (c) “Vehicle” includes, without limitation, an off-highway
4 vehicle as defined in NRS 490.060.

5 **Sec. 11.** NRS 482.170 is hereby amended to read as follows:

6 482.170 Except as otherwise provided in NRS 239.0115,
7 481.063 and 485.316 ~~H~~ *and sections 2 and 4 of this act*, all
8 personal information in the records of registration and licensing in
9 the offices of the Department is confidential and must not
10 knowingly be disclosed by the Department.

11 **Sec. 12.** This act becomes effective on July 1, 2015.

