

INFORMATIONAL STATEMENT OF ADOPTED REGULATIONS
AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB FILE NO. R028-19
January 27, 2020

The following statement is submitted for adopted amendments to Chapter 293 of the Nevada Administrative Code (NAC):

1. A clear and concise explanation of the need for the adopted regulation

2018 Ballot Question 5, the Automatic Voter Registration Initiative and Assembly Bill 345 from the 2019 Legislative Session require the Department of Motor Vehicles (DMV) to make revisions to its current voter registration requirements.

The need for this regulation is make conforming changes based on the joint regulation with the Secretary of State's office (LCB File No. R052-19). These regulations define the notice in which the DMV shall provide to any applicant for a driver license or identification card who is excluded from the AVR due to document ineligibility requirements. These regulations also define the content of this required notice.

2. A description of how public comment was solicited, a summary of the public response, and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, notices of workshop, and notices of intent to act upon the regulations were sent out for posting by electronic mail to all DMV offices and county libraries where there is no DMV office. They were also made available on the Department of Motor Vehicles website at www.dmvnv.com/publicmeetings.htm.

A Public Workshop was noticed on October 14, 2019 and held on October 30, 2019 at the Nevada State Legislative Building in Carson City and video-conferenced to the Grant Sawyer Building in Las Vegas. At the time of the workshop, the regulation was assigned number R028-19. There were three members of the general public who attended the workshop. Only two of which spoke publicly regarding the regulations. One of the responses was in support of the DMV's and SOS's efforts to implement a successful AVR program. The other response did express concerns with the regulations as they were proposed. There was written comment also provided from 2 advocacy groups and these comments were mentioned on record to state on record they were received and reviewed.

Following the workshop, it was determined there would be no changes required to LCB File Number R028-19.

A Notice of Intent to Act upon the Regulations was noticed on December 10, 2019 and a public hearing was held on January 10, 2020. The hearing was held at the Nevada State Legislative Building in Carson City and video-conferenced to Las Vegas. There was one member of the general public that attended the hearing, none of which testified.

A recording of the Public Workshop and Notice of Intent to Act upon the Regulations is on file at the Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, Nevada 89711. Copies of these minutes may be obtained by written request to Attention: Thomas Martin, Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, Nevada 89711.

3. The number of persons who:

a. Attended the hearing: 6

In attendance in Carson City – 4

Sean Sever, Department of Motor Vehicles (Hearing Officer)
Thomas Martin, Department of Motor Vehicles
Nathan Hastings, Attorney General's Office
Wayne Thorley, Secretary of State's Office

In attendance in Las Vegas – 2

Kevin Malone, Department of Motor Vehicles
Kanani Espinoza, Rowe Law Group

b. Testified at the hearing – 0

c. Submitted to the agency written statements – 0

Sean Morales-Doyle, Brennan Center for Justice
Demos, Mi Familia Vota

4. For each person identified in subparagraphs (2) and (3) of paragraph (c)

Sean Morales-Doyle: Brennan Center for Justice; 120 BroadWay, Suite 1750, New York, NY 10271

Sean Morales-Doyle provided written testimony to go on record to support the Department, conditional upon the protection for non-citizens, ensuring compliance with federal law for Driver Authorization Card holders and provided documentation be considered for each transaction.

Demos; Mi Familia Vota and National Voting Rights Project of the American Civil Liberties Union

Demos provided written testimony supporting the effort but was worried efforts may not be compliant with the procedures established with the NVRA.

Kanani Espinoza: Rowe Law Group; kanani@rowelawnv.com

Kanani Espinoza attended in person but did not wish to speak.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited using outreach to determine a possible impact to businesses in the community. Copies of the regulations were also made available on the Department of Motor Vehicles website at www.dmvnv.com/publicmeetings.htm

The Department also sent the proposed regulations to a list of organizations it believed may be impacted by or would like to provide input on the proposed regulation changes. There were two letters written in response to this solicitation for comment. Both letters were in support of the proposed regulation changes but did request these organizations be included in future discussions to ensure their organizations can provide future input.

A recording of the Public Workshop and Notice of Intent to Act upon the Regulations is on file at the Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, Nevada 89711. Copies of these minutes may be obtained by written request to Thomas Martin, Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, Nevada 89711.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted without change because all of the testimony provided was in support of the proposed changes.

7. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:

Business:

a. Both adverse and beneficial effects; and

Adverse: The Department does not foresee any adverse economic impact on businesses.

Beneficial: The Department does not foresee any economic benefit to businesses.

b. Both immediate and long-term effects.

Same as above.

Public:

a. Both adverse and beneficial effects; and

Adverse: The Department does not foresee any adverse economic impact on the public.

Beneficial: The Department does not foresee any economic benefit to the public.

b. Both immediate and long-term effects.

Same as above.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the Department of Motor Vehicles for the enforcement of the adopted regulations.

9. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or federal government agency regulations that are duplicated or overlapped by the adopted regulations.

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

There are no provisions within this regulation change that are more stringent than the federal regulations concerning voter registration.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The regulation does not provide any new fees for the various proposed regulation changes.