

**PROPOSED REGULATION OF THE
DEPARTMENT OF MOTOR VEHICLES**

LCB FILE NO. R028-19I

**The following document is the initial draft regulation proposed
by the agency submitted on 07/12/2019**

Pursuant to, and consistent with NRS Chapter 293 as amended by the Automatic Voter Registration Initiative (AVR) Sec. 3, subsection 4, and with [NAC 293.____](#) (*new Secretary of State section concurrently added*), the Department prescribes by regulation the procedure for providing the notice required by AVR Sec. 3, subsection 2, as follows:

Sec. 3.2 of the Automatic Voter Registration Initiative requires the Department to provide specified notice to every person who applies to the Department for the issuance or renewal or change of address for any type of driver's license or identification card issued by the Department. Individual components of such required notice may be provided in the following Department forms: Application for Driving Privileges or ID Card, Automatic Voter Registration Confirmation Receipt, and Automatic Voter Registration Opt-Out and Political Party Selection.

In order to prevent inadvertent or unintentional application for voter registration by ineligible applicants:

1. If, during an in-person transaction for which proof of residency and/or identity is required, a person applying to the Department for the issuance or renewal or change of address for a driver's license or identification card, indicates non-citizenship on the application, or presents one of the following documents: [[list of documents identified in NAC 293.____](#)], the Department's transaction processing system will automatically, without any discretionary or individualized eligibility determination being made by a DMV employee, ensure that,
 - a. the voter registration portions of the driver transaction application for such a person are not transmitted to election officials,
 - b. that person will not be provided with a paper or electronic affirmation of voter eligibility for purposes of AVR Sec. 4, subsection 1(a), and
 - c. that person is provided a form notice that the person will not be registered to vote as a result of the DMV transaction. The notice shall advise the person of an ability to contact the Secretary of State with questions at a phone number provided on a website designated on the form. The notice shall also advise the person of an ability to manually complete the application process as provided by [NAC 293.____.2.4](#).
2. The Department's automatic processes described in Sec. 1 above will only apply when the document alone presented at the time of the in-person transaction at issue falls within those identified by [NAC 293.____](#). The Department will not rely on any documents previously shown or submitted to the DMV by the person in a previous transaction or otherwise on file with the DMV or any other state agency.
3. Consistent with AVR Sec. 3, subsection 2(a), the Department's forms shall provide notice that due to United States citizenship eligibility requirements, voter registration services are not provided to individuals who provide documents during their DMV transaction definitively establishing non-citizenship for purposes of [NAC 293.____](#).
4. Should there be any ambiguity as to whether a document presented by a person falls under those identified in [NAC 293.____](#), it is presumed that the document does not fall under [NAC 293.____](#) and the person's voter registration information will be treated as otherwise provided by AVR.