

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

LCB File No. R028-19

October 3, 2019

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

AUTHORITY: §§1 and 2, NRS 483.290 and 483.850 and section 3 of 2018 Ballot Question No. 5, Automatic Voter Registration Initiative.

A REGULATION relating to elections; setting forth certain requirements relating to automatic voter registration; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes an eligible person known as an elector to register to vote by a variety of methods, including the automatic voter registration system. (Nev. Const. Art. 2, § 1; NRS 293.055, 293.485, 293.517, 483.290, 483.850) An “elector” is a person who: (1) is a citizen of the United States; (2) is 18 years of age or over; and (3) meets certain residency requirements. The automatic voter registration system allows for the secure electronic storage and transmission of voter registration information obtained from an applicant for the issuance or renewal of or a change of address on a driver’s license or identification card. The Department of Motor Vehicles is required to provide certain notice related to the automatic voter registration system to an applicant for the issuance or renewal of or a change of address on a driver’s license or identification card. (Sections 2 and 3 of 2018 Ballot Question No. 5, Automatic Voter Registration Initiative)

This regulation provides that the Department will give certain notice to an applicant for the issuance or renewal of or a change of address on a driver’s license or identification card if the applicant submits certain documentation to the Department with his or her current application which indicates he or she is not an elector who meets the qualifications to vote in this State. Such notice includes that: (1) the applicant for the issuance or renewal of or a change of address on a driver’s license or identification card is not an applicant to register to vote using the automatic voter registration system; (2) the applicant’s information will not be transmitted electronically to the Secretary of State or the county clerks through the automatic voter registration system; (3) if the applicant is an elector who meets the qualifications to vote in this State, he or she may submit to the Department a paper application to register to vote; and (4) the applicant may contact the Office of the Secretary of State for questions regarding registering to vote and the automatic voter registration system. The regulation requires the Department to develop a standardized form that provides uniform notification of this information.

This regulation also prohibits an employee of the Department from making an individualized determination of the eligibility of any applicant for the issuance or renewal of or a change of address for a driver's license or identification card to apply to register to vote using the automatic voter registration system.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto a new section to read as follows:

1. If an applicant for the issuance or renewal of or a change of address for a driver's license or identification card submits with his or her application to the Department of Motor Vehicles any of the documents set forth in section 3 of LCB File No. R052-19:

(a) The Department will notify the applicant in writing that:

(1) He or she is not an applicant to register to vote using the automatic voter registration system and his or her information will not be transmitted electronically to the Secretary of State and county clerks through the automatic voter registration system because he or she submitted at least one of the documents set forth in section 3 of LCB File No. R052-19;

(2) If the applicant meets the qualifications to vote in this State, as provided in NRS 293.485, he or she may submit to the Department a paper application to register to vote pursuant to NRS 293.524; and

(3) He or she may contact the Office of the Secretary of State for questions regarding registering to vote and the automatic voter registration system. The notice required pursuant to this paragraph must include, without limitation, the Internet address of the Office of the Secretary of State.

(b) The Department will not submit the applicant's information into the automatic voter registration system.

(c) The Department will not give the applicant the paper or electronic affirmation described in paragraph (a) of subsection 1 of section 4 of 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative.

2. The computer system used by the Department to process an application for the issuance or renewal of or a change of address for a driver's license or identification card must determine whether an applicant submitted any of the documents set forth in section 3 of LCB File No. R052-19 based only on the documents submitted to the Department with the applicant's current application.

3. An employee of the Department shall not make an individualized determination of the eligibility of any applicant for the issuance or renewal of or a change of address for a driver's license or identification card to apply to register to vote using the automatic voter registration system.

4. The Department will:

(a) Develop a standardized form that provides uniform notification of the information set forth in subsection 1; and

(b) Provide the standardized form to all applicants for the issuance or renewal of or a change of address for a driver's license or identification card who submit with an application to the Department any of the documents set forth in section 3 of LCB File No. R052-19.

5. As used in this section:

(a) "Automatic voter registration system" means the automatic voter registration system established pursuant to section 2 of 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative.

(b) "Driver's license" has the meaning ascribed to it in section 2 of LCB File No. R052-19.

(c) "Identification card" has the meaning ascribed to it in section 2 of LCB File No. R052-19.

Sec. 2. This regulation becomes effective on:

1. The date on which this regulation is filed by the Legislative Counsel with the Secretary of State; or

2. The date on which LCB File No. 052-19 is filed by the Legislative Counsel with the Secretary of State,

↳ whichever occurs later.