

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB FILE NO. R052-19I

**The following document is the initial draft regulation proposed
by the agency submitted on 07/30/2019**

This version of the proposed regulation would allow certain DAC applicants to go through the AVR process given the DAC applicant provides proof of U.S. citizenship as part of the DAC application process.

PROPOSED REGULATION OF THE
NEVADA SECRETARY OF STATE

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

AUTHORITY: NRS 293.124; §7(4) of the Automatic Voter Registration Initiative.

Section 1. NAC 293.410 is hereby amended to read as follows:

NAC 294.410. 1. A voter registration agency shall place in a conspicuous position in each of its offices a sign which indicates that a person may register to vote in that office.

2. A registered voter may change his or her name, address or political party affiliation on the application to register to vote.

3. The information required by the application to register to vote must be printed in black or blue ink with a ballpoint pen.

4. A voter registration agency may not accept an application to register to vote which includes any erasure of or line drawn through information provided by the applicant relating to the political party affiliation of the applicant.

5. A voter registration agency shall include with each application to register to vote or group of applications which is transmitted to the county clerk or registrar of voters a transmittal form prescribed and provided by the Secretary of State.

6. A voter registration agency shall not void an application unless the applicant is present. If the agency voids an application, the agency shall:

(a) Write or stamp the word “void” on the front of the application;

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(b) Forward the voided application to the county clerk; and

(c) Maintain a record of the voided application.

7. A voter registration agency shall ascertain whether a file stamp obliterates the portion of the application reserved for the applicant's signature. If a file stamp does obliterate this portion, the voter registration agency shall issue a new application to the applicant.

8. Before each application completed by an employee of the voter registration agency is forwarded to the county clerk or registrar of voters, it must be reviewed by the employee of the voter registration agency designated pursuant to NAC 293.4105 who shall determine whether the application is legible. If the employee determines that an application is illegible, he or she shall cause a computer-generated copy of the information contained in the records relating to the applicant's driver's license or identification card to be attached to the application.

9. A voter registration agency shall, in a form prescribed by the Secretary of State, maintain a record of the number of persons who decline to register to vote when applying for or receiving services or assistance from the agency or when submitting an application for recertification, renewal or a change of address related to such services or assistance.

10. A voter registration agency shall stamp the original and the voter's receipt from the completed application with the date that the completed application is received by the agency. Except as otherwise provided in this subsection, the stamp used by the agency must not include the name of the agency.

11. As used in this section, "voter registration agency" means a voter registration agency described in NRS 293.504, but does not include the Department of Motor Vehicles to the extent

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that the Department's obligations under the Automatic Voter Registration Initiative may be inconsistent with the requirements of this section.

Section 2. Chapter 293 of NAC is hereby amended by adding a new section to read as follows:

1. As used in this regulation, the term:

(a) "Department" means the Department of Motor Vehicles.

(b) "Driver Authorization Card" means a driver authorization card issued by the Department pursuant to NRS 483.291.

2. In administering the provisions of the Automatic Voter Registration Initiative, the Department shall adopt such measures as it deems appropriate to prevent the inadvertent or unintentional registration or preregistration of persons who are ineligible to vote due to their age or citizenship. These measures shall include adherence to the process described in subsection 3 in all cases where an applicant for the issuance or renewal of a Nevada driver's license or identification card, or an applicant for a change of address to a such a driver's license or identification card, is required by law to personally appear before the Department and present documentary proof of identity.

3. An application described in subsection 2 shall be processed by the Department using a data system with no automatic voter registration or preregistration function whenever the applicant indicates non-citizenship on the application, or presents any of the following documents:

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(a) A Permanent Resident Card issued by the U.S. Citizenship and Immigration Services (“USCIS”) on Form I-551, including any temporary variation thereof, whether affixed to USCIS Form I-94 or a foreign passport;

(b) An Employment Authorization Document issued by the USCIS on Form I-765 or Form I-766;

(c) An Arrival/Departure Record issued by the USCIS on Form I-94;

(d) A U.S. Nonimmigrant Visa issued by the U.S. Department of State;

(e) Proof of identity submitted in support of an application for a Driver Authorization Card when such proof does not include:

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

(ii) A passport issued by the United States Government;

(iii) A Certificate of Citizenship issued by the USCIS;

(iv) A Certificate of Naturalization issued by the USCIS;

(v) A Consular Report of Birth Abroad issued by the Department of State; or

(vi) A Certificate of Degree of Indian or Alaska Native Blood issued by the United States Government;

(f) A birth certificate, driver’s license, or identification card which indicates that the applicant is not at least 17 years of age as of the date of the application.

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4. Applicants who meet the requirements to register to vote found in NRS 293.485 or preregister to vote found in NRS 293.4855 but who present a document described in paragraphs (a) through (f) of subsection 3 as proof of identity shall be permitted to apply to register or preregister to vote if they request an opportunity to so register or preregister, and manually complete the application process described in NRS 293.524 and NAC 293.410.