
SENATE BILL NO. 178—SENATORS GUSTAVSON; HARDY,
MCGINNESS, ROBERSON AND SETTELMAYER

FEBRUARY 17, 2011

JOINT SPONSORS: ASSEMBLYMEN HANSEN; ELLISON, GOEDHART,
GOICOECHEA, HAMBRICK, KIRNER AND MCARTHUR

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning foreign nationals.
(BDR 15-572)

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 foreign nationals; prohibiting the use of threats relating to the immigration status of a person to compel a person to perform certain acts; requiring a person to submit proof of citizenship to register to vote; prohibiting a person from voting when that person knows that he or she is not entitled to vote; providing that a person who is not a citizen of the United States is not eligible for a Governor Guinn Millennium Scholarship; providing that a person who is not a citizen of the United States is not eligible to receive certain state benefits; prohibiting the Department of Motor Vehicles from issuing a driver's license to a person who is not lawfully present in the United States; requiring a person who is applying for a driver's license to submit proof that he or she is lawfully present in the United States; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law provides that a person commits a category B felony if the person
- 2 makes certain threats with the intent of obtaining property from another person.
- 3 (NRS 205.320) **Section 1** of this bill provides that a person commits a category B
- 4 felony if the person threatens to report to law enforcement the immigration status of
- 5 another person with the intent of obtaining property from the other person.



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6 Existing law provides that a person commits a category B felony if the person
7 engages in certain acts with the intent to compel another person to do an act or
8 abstain from doing an act. (NRS 207.190) **Section 2** of this bill provides that a
9 person commits a category B felony if the person compels another person to do an
10 act or abstain from doing an act by threatening to report to law enforcement the
11 immigration status of the other person.

12 Under existing law, a person is eligible to vote if the person is a citizen of the
13 United States and registered to vote. (NRS 293.485) To register to vote, a person
14 must submit certain information to a county clerk, including, without limitation,
15 proof of identification and residence. (NRS 293.517) **Sections 4 and 6-10** of this
16 bill require a person registering to vote to submit proof that the person is a citizen
17 of the United States. **Section 4** describes the documents a person may submit to
18 prove that the person is a citizen of the United States. **Section 5** of this bill provides
19 that a person commits a category E felony if the person votes in an election
20 knowing that he or she is not entitled to vote in that election.

21 Existing law authorizes a person who satisfies certain criteria to apply for a
22 Governor Guinn Millennium Scholarship (NRS 396.930) **Section 11** of this bill
23 provides that a person who is not a citizen of the United States is not eligible to
24 receive a Millennium Scholarship.

25 Existing law prohibits a person who is not lawfully present in the United States
26 from receiving certain state or local benefits. (NRS 422.065, 422A.085) **Sections**
27 **12 and 13** of this bill provide that a person who is not a citizen of the United States
28 is not eligible for certain state public benefits, including, without limitation, grants,
29 loans, professional licenses, commercial licenses and assistance for disability,
30 housing, postsecondary education, food aid or unemployment benefits.

31 Under existing law, the Department of Motor Vehicles is prohibited from
32 issuing a driver's license to certain persons. (NRS 483.250) In addition, a person
33 must provide proof of his or her name and age by displaying certain documents.
34 (NRS 483.290) **Section 14** of this bill prohibits the Department from issuing a
35 driver's license to a person who is not lawfully present in the United States. **Section**
36 **15** of this bill requires a person to submit with an application for a driver's license
37 proof that he or she is lawfully present in the United States.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 205.320 is hereby amended to read as follows:
2 205.320 A person who, with the intent to extort or gain any
3 money or other property or to compel or induce another to make,
4 subscribe, execute, alter or destroy any valuable security or
5 instrument or writing affecting or intended to affect any cause of
6 action or defense, or any property, or to influence the action of any
7 public officer, or to do or abet or procure any illegal or wrongful act,
8 whether or not the purpose is accomplished, threatens directly or
9 indirectly:

- 10 1. To accuse any person of a crime;
11 2. To injure a person or property;
12 3. To publish or connive at publishing any libel;
13 4. To expose or impute to any person any deformity or
14 disgrace; ~~or~~



1 5. To expose any secret ~~[]~~; *or*

2 *6. To report to law enforcement officials the immigration*
3 *status of a person,*

4 *↳* is guilty of a category B felony and shall be punished by
5 imprisonment in the state prison for a minimum term of not less
6 than 1 year and a maximum term of not more than 10 years, or by a
7 fine of not more than \$10,000, or by both fine and imprisonment. In
8 addition to any other penalty, the court shall order the person to pay
9 restitution.

10 **Sec. 2.** NRS 207.190 is hereby amended to read as follows:

11 207.190 1. It is unlawful for a person, with the intent to
12 compel another to do or abstain from doing an act which the other
13 person has a right to do or abstain from doing, to:

14 (a) Use violence or inflict injury upon the other person or any of
15 the other person's family, or upon the other person's property, or
16 threaten such violence or injury;

17 (b) Deprive the person of any tool, implement or clothing, or
18 hinder the person in the use thereof; ~~[or]~~

19 (c) Attempt to intimidate the person by threats or force ~~[]~~; *or*

20 *(d) Threaten to report to law enforcement officials the*
21 *immigration status of the person.*

22 2. A person who violates the provisions of subsection 1 shall
23 be punished:

24 (a) Where physical force, ~~[or]~~ the immediate threat of physical
25 force *or a threat described in paragraph (d) of subsection 1* is
26 used, for a category B felony by imprisonment in the state prison for
27 a minimum term of not less than 1 year and a maximum term of not
28 more than 6 years, and may be further punished by a fine of not
29 more than \$5,000.

30 (b) Where no physical force or immediate threat of physical
31 force is used, for a misdemeanor.

32 **Sec. 3.** Chapter 293 of NRS is hereby amended by adding
33 thereto the provisions set forth as sections 4 and 5 of this act.

34 **Sec. 4. 1. Except as otherwise provided in subsection 3, a**
35 *county clerk, field registrar, employee of a voter registration*
36 *agency or person assisting a voter pursuant to subsection 13 of*
37 *NRS 293.5235 shall not register a person to vote unless the person*
38 *submits proof of citizenship to the county clerk.*

39 *2. Proof of citizenship may be established by any of the*
40 *following:*

41 *(a) A valid United States passport, or a legible photocopy of the*
42 *pertinent pages thereof, identifying the person and showing the*
43 *passport number.*

44 *(b) A birth certificate or a legible photocopy thereof.*



1 (c) A United States naturalization document, or a legible
2 photocopy thereof, or the number on a Certificate of
3 Naturalization. If a person provides the number on a Certificate of
4 Naturalization to prove citizenship, the person must not be
5 registered to vote until the county clerk verifies the number with
6 the United States Citizenship and Immigration Services of the
7 Department of Homeland Security.

8 (d) Any document or method of proof of citizenship established
9 by federal law.

10 (e) A driver's license bearing an indication that the person
11 holding the license is a citizen of the United States.

12 3. A person who is registered to vote on or before October 1,
13 2011, is deemed to have provided proof of citizenship and is not
14 required to submit proof of citizenship pursuant to this section.

15 **Sec. 5.** A person who votes in any election knowing that he
16 or she is not entitled to vote at that election pursuant to subsection
17 1 of NRS 293.485 is guilty of a category E felony and shall be
18 punished as provided in NRS 193.130.

19 **Sec. 6.** NRS 293.505 is hereby amended to read as follows:

20 293.505 1. All justices of the peace, except those located in
21 county seats, are ex officio field registrars to carry out the
22 provisions of this chapter.

23 2. The county clerk shall appoint at least one registered voter to
24 serve as a field registrar of voters who, except as otherwise provided
25 in NRS 293.5055, shall register voters within the county for which
26 the field registrar is appointed. Except as otherwise provided in
27 subsection 1, a candidate for any office may not be appointed or
28 serve as a field registrar. A field registrar serves at the pleasure of
29 the county clerk and shall perform such duties as the county clerk
30 may direct.

31 3. A field registrar shall demand of any person who applies for
32 registration all information required by the application to register to
33 vote and shall administer all oaths required by this chapter.

34 4. When a field registrar has in his or her possession five or
35 more completed applications to register to vote, the field registrar
36 shall forward them to the county clerk, but in no case may the field
37 registrar hold any number of them for more than 10 days.

38 5. Each field registrar shall forward to the county clerk all
39 completed applications in his or her possession immediately after
40 the fifth Sunday preceding an election. Within 5 days after the fifth
41 Sunday preceding any general election or general city election, a
42 field registrar shall return all unused applications in his or her
43 possession to the county clerk. If all of the unused applications are
44 not returned to the county clerk, the field registrar shall account for
45 the unreturned applications.



1 6. Each field registrar shall submit to the county clerk a list of
2 the serial numbers of the completed applications to register to vote
3 and the names of the electors on those applications. The serial
4 numbers must be listed in numerical order.

5 7. Each field registrar shall post notices sent to him or her by
6 the county clerk for posting in accordance with the election laws of
7 this State.

8 8. A field registrar, employee of a voter registration agency or
9 person assisting a voter pursuant to subsection 13 of NRS 293.5235
10 shall not:

11 (a) Delegate any of his or her duties to another person; or

12 (b) Refuse to register a person on account of that person's
13 political party affiliation.

14 9. A person shall not hold himself or herself out to be or
15 attempt to exercise the duties of a field registrar unless the person
16 has been so appointed.

17 10. A county clerk, field registrar, employee of a voter
18 registration agency or person assisting a voter pursuant to subsection
19 13 of NRS 293.5235 shall not:

20 (a) Solicit a vote for or against a particular question or
21 candidate;

22 (b) Speak to a voter on the subject of marking his or her ballot
23 for or against a particular question or candidate; or

24 (c) Distribute any petition or other material concerning a
25 candidate or question which will be on the ballot for the ensuing
26 election,

27 ↪ while registering an elector.

28 11. When the county clerk receives applications to register to
29 vote from a field registrar, the county clerk shall issue a receipt to
30 the field registrar. The receipt must include:

31 (a) The number of persons registered; and

32 (b) The political party of the persons registered.

33 12. A county clerk, field registrar, employee of a voter
34 registration agency or person assisting a voter pursuant to subsection
35 13 of NRS 293.5235 shall not:

36 (a) Knowingly register a person who is not a qualified elector or
37 a person who has filed a false or misleading application to register
38 to vote; or

39 (b) Register a person who fails to provide satisfactory proof of
40 *citizenship pursuant to section 4 of this act*, identification and the
41 address at which the person actually resides.

42 13. A county clerk, field registrar, employee of a voter
43 registration agency, person assisting a voter pursuant to subsection
44 13 of NRS 293.5235 or any other person providing a form for the



1 application to register to vote to an elector for the purpose of
2 registering to vote:

3 (a) If the person who assists an elector with completing the form
4 for the application to register to vote retains the form, shall enter his
5 or her name on the duplicate copy or receipt retained by the voter
6 upon completion of the form; and

7 (b) Shall not alter, deface or destroy an application to register to
8 vote that has been signed by an elector except to correct information
9 contained in the application after receiving notice from the elector
10 that a change in or addition to the information is required.

11 14. If a field registrar violates any of the provisions of this
12 section, the county clerk shall immediately suspend the field
13 registrar and notify the district attorney of the county in which the
14 violation occurred.

15 15. A person who violates any of the provisions of subsection
16 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be
17 punished as provided in NRS 193.130.

18 **Sec. 7.** NRS 293.5057 is hereby amended to read as follows:

19 293.5057 A person who does not maintain a residence in this
20 State may register to vote for the office of President and Vice
21 President of the United States if the person ~~files~~ :

22 1. *Files* a sworn statement with the county clerk or field
23 registrar of voters that the person is not registered to vote in any
24 other state ;

25 2. *Provides evidence that he or she is a citizen of the United*
26 *States pursuant to section 4 of this act;* and ~~provides~~

27 3. *Provides* evidence:

28 ~~1-1~~ (a) Of his or her domicile in this State in accordance with
29 the provisions of NRS 41.191;

30 ~~2-1~~ (b) That he or she maintains an account at a financial
31 institution located in this State; or

32 ~~3-1~~ (c) That his or her motor vehicle is registered in this State.

33 **Sec. 8.** NRS 293.517 is hereby amended to read as follows:

34 293.517 1. Any elector residing within the county may
35 register:

36 (a) Except as otherwise provided in NRS 293.560 and
37 293C.527, by appearing before the county clerk, a field registrar or a
38 voter registration agency, completing the application to register to
39 vote, giving true and satisfactory answers to all questions relevant to
40 his or her identity and right to vote, and providing proof of
41 *citizenship pursuant to section 4 of this act*, residence and identity;

42 (b) By completing and mailing or personally delivering to the
43 county clerk an application to register to vote pursuant to the
44 provisions of NRS 293.5235 ~~1-1~~ *and proof of citizenship pursuant*
45 *to section 4 of this act;*



1 (c) Pursuant to the provisions of NRS 293.501 or 293.524; or
2 (d) At his or her residence with the assistance of a field registrar
3 pursuant to NRS 293.5237.

4 ➔ The county clerk shall require a person to submit official
5 identification as proof of residence and identity, such as a driver's
6 license or other official document, before registering the person. If
7 the applicant registers to vote pursuant to this subsection and fails to
8 provide proof of residence and identity, the applicant must provide
9 proof of residence and identity before casting a ballot in person or
10 by mail or after casting a provisional ballot pursuant to NRS
11 293.3081 or 293.3083. For the purposes of this subsection, a voter
12 registration card issued pursuant to subsection 6 does not provide
13 proof of the residence or identity of a person.

14 2. The application to register to vote must be signed and
15 verified under penalty of perjury by the elector registering.

16 3. Each elector who is or has been married must be registered
17 under his or her own given or first name, and not under the given or
18 first name or initials of his or her spouse.

19 4. An elector who is registered and changes his or her name
20 must complete a new application to register to vote. The elector may
21 obtain a new application:

22 (a) At the office of the county clerk or field registrar;

23 (b) By submitting an application to register to vote pursuant to
24 the provisions of NRS 293.5235;

25 (c) By submitting a written statement to the county clerk
26 requesting the county clerk to mail an application to register to vote;
27 or

28 (d) At any voter registration agency.

29 ➔ If the elector fails to register under his or her new name, the
30 elector may be challenged pursuant to the provisions of NRS
31 293.303 or 293C.292 and may be required to furnish proof of
32 identity and subsequent change of name.

33 5. Except as otherwise provided in subsection 7, an elector who
34 registers to vote pursuant to paragraph (a) of subsection 1 shall be
35 deemed to be registered upon the completion of an application to
36 register to vote.

37 6. After the county clerk determines that the application to
38 register to vote of a person is complete and that the person is eligible
39 to vote pursuant to NRS 293.485, the county clerk shall issue a voter
40 registration card to the voter which contains:

41 (a) The name, address, political affiliation and precinct number
42 of the voter;

43 (b) The date of issuance; and

44 (c) The signature of the county clerk.



1 7. If an elector submits an application to register to vote or an
2 affidavit described in paragraph (c) of subsection 1 of NRS 293.507
3 that contains any handwritten additions, erasures or interlineations,
4 the county clerk may object to the application to register to vote if
5 the county clerk believes that because of such handwritten additions,
6 erasures or interlineations, the application to register to vote of the
7 elector is incomplete or that the elector is not eligible to vote
8 pursuant to NRS 293.485. If the county clerk objects pursuant to
9 this subsection, he or she shall immediately notify the elector and
10 the district attorney of the county. Not later than 5 business days
11 after the district attorney receives such notification, the district
12 attorney shall advise the county clerk as to whether:

13 (a) The application to register to vote of the elector is complete
14 and the elector is eligible to vote pursuant to NRS 293.485; and

15 (b) The county clerk should proceed to process the application
16 to register to vote.

17 ➤ If the District Attorney advises the county clerk to process the
18 application to register to vote, the county clerk shall immediately
19 issue a voter registration card to the applicant pursuant to
20 subsection 6.

21 **Sec. 9.** NRS 293.5235 is hereby amended to read as follows:

22 293.5235 1. Except as otherwise provided in NRS 293.502, a
23 person may register to vote by mailing an application to register to
24 vote *and proof of citizenship pursuant to section 4 of this act* to the
25 county clerk of the county in which the person resides. The county
26 clerk shall, upon request, mail an application to register to vote to an
27 applicant. The county clerk shall make the applications available at
28 various public places in the county. An application to register to
29 vote may be used to correct information in the registrar of voters'
30 register.

31 2. An application to register to vote which is mailed to an
32 applicant by the county clerk or made available to the public at
33 various locations or voter registration agencies in the county may be
34 returned to the county clerk by mail or in person. For the purposes
35 of this section, an application which is personally delivered to the
36 county clerk shall be deemed to have been returned by mail.

37 3. The applicant must complete the application, including,
38 without limitation, checking the boxes described in paragraphs (b)
39 and (c) of subsection 10 , ~~and~~ signing the application ~~and~~ *and*
40 *submitting proof of citizenship pursuant to section 4 of this act.*

41 4. The county clerk shall, upon receipt of an application,
42 determine whether the application is complete.

43 5. If the county clerk determines that the application is
44 complete, he or she shall, within 10 days after receiving the
45 application, mail to the applicant:



1 (a) A notice that the applicant is registered to vote and a voter
2 registration card as required by subsection 6 of NRS 293.517; or

3 (b) A notice that the registrar of voters' register has been
4 corrected to reflect any changes indicated on the application.

5 6. Except as otherwise provided in subsection 5 of NRS
6 293.518, if the county clerk determines that the application is not
7 complete, the county clerk shall, as soon as possible, mail a notice to
8 the applicant that additional information is required to complete the
9 application. If the applicant provides the information requested by
10 the county clerk within 15 days after the county clerk mails the
11 notice, the county clerk shall, within 10 days after receiving the
12 information, mail to the applicant:

13 (a) A notice that the applicant is registered to vote and a voter
14 registration card as required by subsection 6 of NRS 293.517; or

15 (b) A notice that the registrar of voters' register has been
16 corrected to reflect any changes indicated on the application.

17 ➤ If the applicant does not provide the additional information
18 within the prescribed period, the application is void.

19 7. The applicant shall be deemed to be registered or to have
20 corrected the information in the register on the date the application
21 is postmarked or received by the county clerk, whichever is earlier.

22 8. If the applicant fails to check the box described in paragraph
23 (b) of subsection 10, the application shall not be considered invalid
24 and the county clerk shall provide a means for the applicant to
25 correct the omission at the time the applicant appears to vote in
26 person at the assigned polling place.

27 9. The Secretary of State shall prescribe the form for an
28 application to register to vote by mail which must be used to register
29 to vote by mail in this State.

30 10. The application to register to vote by mail must include:

31 (a) A notice in at least 10-point type which states:

32
33 NOTICE: You are urged to return your application to
34 register to vote to the County Clerk in person or by mail. If
35 you choose to give your completed application to another
36 person to return to the County Clerk on your behalf, and the
37 person fails to deliver the application to the County Clerk,
38 you will not be registered to vote. Please retain the duplicate
39 copy or receipt from your application to register to vote.
40

41 (b) The question, "Are you a citizen of the United States?" and
42 boxes for the applicant to check to indicate whether or not the
43 applicant is a citizen of the United States.

44 (c) The question, "Will you be at least 18 years of age on or
45 before election day?" and boxes for the applicant to check to



1 indicate whether or not the applicant will be at least 18 years of age
2 or older on election day.

3 (d) A statement instructing the applicant not to complete the
4 application if the applicant checked "no" in response to the question
5 set forth in paragraph (b) or (c).

6 (e) A statement informing the applicant that if the application is
7 submitted by mail and the applicant is registering to vote for the first
8 time, the applicant must submit the information set forth in
9 paragraph (a) of subsection 2 of NRS 293.2725 to avoid the
10 requirements of subsection 1 of NRS 293.2725 upon voting for the
11 first time.

12 11. Except as otherwise provided in subsection 5 of NRS
13 293.518, the county clerk shall not register a person to vote pursuant
14 to this section unless that person has provided all of the information
15 required by the application.

16 12. The county clerk shall mail, by postcard, the notices
17 required pursuant to subsections 5 and 6. If the postcard is returned
18 to the county clerk by the United States Postal Service because the
19 address is fictitious or the person does not live at that address, the
20 county clerk shall attempt to determine whether the person's current
21 residence is other than that indicated on the application to register to
22 vote in the manner set forth in NRS 293.530.

23 13. A person who, by mail, registers to vote pursuant to this
24 section may be assisted in completing the application to register to
25 vote by any other person. The application must include the mailing
26 address and signature of the person who assisted the applicant. The
27 failure to provide the information required by this subsection will
28 not result in the application being deemed incomplete.

29 14. An application to register to vote must be made available to
30 all persons, regardless of political party affiliation.

31 15. An application must not be altered or otherwise defaced
32 after the applicant has completed and signed it. An application must
33 be mailed or delivered in person to the office of the county clerk
34 within 10 days after it is completed.

35 16. A person who willfully violates any of the provisions of
36 subsection 13, 14 or 15 is guilty of a category E felony and shall be
37 punished as provided in NRS 193.130.

38 17. The Secretary of State shall adopt regulations to carry out
39 the provisions of this section.

40 **Sec. 10.** NRS 293.524 is hereby amended to read as follows:

41 293.524 1. The Department of Motor Vehicles shall provide
42 an application to register to vote to each person who applies for the
43 issuance or renewal of any type of driver's license or identification
44 card issued by the Department.



1 2. The county clerk shall use the applications to register to vote
2 which are signed and completed pursuant to subsection 1 to register
3 applicants to vote or to correct information in the registrar of voters'
4 register. An application that is not signed must not be used to
5 register or correct the registration of the applicant. *An application*
6 *that does not include proof of citizenship pursuant to section 4 of*
7 *this act must not be used to register the applicant.*

8 3. For the purposes of this section, each employee specifically
9 authorized to do so by the Director of the Department may oversee
10 the completion of an application. The authorized employee shall
11 check the application for completeness and verify the information
12 required by the application. Each application must include a
13 duplicate copy or receipt to be retained by the applicant upon
14 completion of the form. The Department shall, except as otherwise
15 provided in this subsection, forward each application on a weekly
16 basis to the county clerk or, if applicable, to the registrar of voters of
17 the county in which the applicant resides. The applications must be
18 forwarded daily during the 2 weeks immediately preceding the fifth
19 Sunday preceding an election.

20 4. The county clerk shall accept any application to register to
21 vote which is obtained from the Department of Motor Vehicles
22 pursuant to this section and completed by the fifth Sunday preceding
23 an election if the county clerk receives the application not later than
24 5 days after that date. Upon receipt of an application, the county
25 clerk or field registrar of voters shall determine whether the
26 application is complete. If the county clerk or field registrar of
27 voters determines that the application is complete, he or she shall
28 notify the applicant and the applicant shall be deemed to be
29 registered as of the date of the submission of the application. If the
30 county clerk or field registrar of voters determines that the
31 application is not complete, he or she shall notify the applicant of
32 the additional information required. The applicant shall be deemed
33 to be registered as of the date of the initial submission of the
34 application if the additional information is provided within 15 days
35 after the notice for the additional information is mailed. If the
36 applicant has not provided the additional information within 15 days
37 after the notice for the additional information is mailed, the
38 incomplete application is void. Any notification required by this
39 subsection must be given by mail at the mailing address on the
40 application not more than 7 working days after the determination is
41 made concerning whether the application is complete.

42 5. The county clerk shall use any form submitted to the
43 Department to correct information on a driver's license or
44 identification card to correct information in the registrar of voters'
45 register, unless the person indicates on the form that the correction



1 is not to be used for the purposes of voter registration. The
2 Department shall forward each such form to the county clerk or, if
3 applicable, to the registrar of voters of the county in which the
4 person resides in the same manner provided by subsection 3 for
5 applications to register to vote.

6 6. Upon receipt of a form to correct information, the county
7 clerk shall compare the information to that contained in the registrar
8 of voters' register. If the person is a registered voter, the county
9 clerk shall correct the information to reflect any changes indicated
10 on the form. After making any changes, the county clerk shall notify
11 the person by mail that the records have been corrected.

12 7. The Secretary of State shall, with the approval of the
13 Director, adopt regulations to:

14 (a) Establish any procedure necessary to provide an elector who
15 applies to register to vote pursuant to this section the opportunity to
16 do so;

17 (b) Prescribe the contents of any forms or applications which the
18 Department is required to distribute pursuant to this section; and

19 (c) Provide for the transfer of the completed applications of
20 registration from the Department to the appropriate county clerk for
21 inclusion in the election board registers and registrar of voters'
22 register.

23 **Sec. 11.** NRS 396.930 is hereby amended to read as follows:

24 396.930 1. Except as otherwise provided in subsections 2 and
25 3, a student may apply to the Board of Regents for a Millennium
26 Scholarship if the student:

27 (a) Except as otherwise provided in paragraph (e) of subsection
28 2, has been a resident of this State for at least 2 years before the
29 student applies for the Millennium Scholarship ~~and~~ *and is a citizen of*
30 *the United States;*

31 (b) Except as otherwise provided in paragraph (c), graduated
32 from a public or private high school in this State:

33 (1) After May 1, 2000, but not later than May 1, 2003; or

34 (2) After May 1, 2003, and, except as otherwise provided in
35 paragraphs (c), (d) and (f) of subsection 2, not more than 6 years
36 before the student applies for the Millennium Scholarship;

37 (c) Does not satisfy the requirements of paragraph (b) and:

38 (1) Was enrolled as a pupil in a public or private high school
39 in this State with a class of pupils who were regularly scheduled to
40 graduate after May 1, 2000;

41 (2) Received his or her high school diploma within 4 years
42 after he or she was regularly scheduled to graduate; and

43 (3) Applies for the Millennium Scholarship not more than 6
44 years after he or she was regularly scheduled to graduate from high
45 school;



1 (d) Maintained in high school in the courses designated by the
2 Board of Regents pursuant to paragraph (b) of subsection 2, at least:

3 (1) A 3.00 grade point average on a 4.0 grading scale, if the
4 student was a member of the graduating class of 2003 or 2004;

5 (2) A 3.10 grade point average on a 4.0 grading scale, if the
6 student was a member of the graduating class of 2005 or 2006; or

7 (3) A 3.25 grade point average on a 4.0 grading scale, if the
8 student was a member of the graduating class of 2007 or a later
9 graduating class; and

10 (e) Is enrolled in at least:

11 (1) Six semester credit hours in a community college within
12 the System;

13 (2) Twelve semester credit hours in another eligible
14 institution; or

15 (3) A total of 12 or more semester credit hours in eligible
16 institutions if the student is enrolled in more than one eligible
17 institution.

18 2. The Board of Regents:

19 (a) Shall define the core curriculum that a student must complete
20 in high school to be eligible for a Millennium Scholarship.

21 (b) Shall designate the courses in which a student must earn the
22 minimum grade point averages set forth in paragraph (d) of
23 subsection 1.

24 (c) May establish criteria with respect to students who have been
25 on active duty serving in the Armed Forces of the United States to
26 exempt such students from the 6-year limitation on applications that
27 is set forth in subparagraph (2) of paragraph (b) of subsection 1.

28 (d) Shall establish criteria with respect to students who have a
29 documented physical or mental disability or who were previously
30 subject to an individualized education program under the
31 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et
32 seq., or a plan under Title V of the Rehabilitation Act of 1973, 29
33 U.S.C. §§ 791 et seq. The criteria must provide an exemption for
34 those students from:

35 (1) The 6-year limitation on applications that is set forth in
36 subparagraph (2) of paragraph (b) of subsection 1 and subparagraph
37 (3) of paragraph (c) of subsection 1 and any limitation applicable to
38 students who are eligible pursuant to subparagraph (1) of paragraph
39 (b) of subsection 1.

40 (2) The minimum number of credits prescribed in paragraph
41 (e) of subsection 1.

42 (e) Shall establish criteria with respect to students who have a
43 parent or legal guardian on active duty in the Armed Forces of the
44 United States to exempt such students from the residency



1 requirement set forth in paragraph (a) of subsection 1 or
2 subsection 3.

3 (f) Shall establish criteria with respect to students who have
4 been actively serving or participating in a charitable, religious or
5 public service assignment or mission to exempt such students from
6 the 6-year limitation on applications that is set forth in subparagraph
7 (2) of paragraph (b) of subsection 1. Such criteria must provide for
8 the award of Millennium Scholarships to those students who qualify
9 for the exemption and who otherwise meet the eligibility criteria to
10 the extent that money is available to award Millennium Scholarships
11 to the students after all other obligations for the award of
12 Millennium Scholarships for the current school year have been
13 satisfied.

14 3. Except as otherwise provided in paragraph (c) of subsection
15 1, for students who did not graduate from a public or private high
16 school in this State and who, except as otherwise provided in
17 paragraph (e) of subsection 2, have been residents of this State for at
18 least 2 years, the Board of Regents shall establish:

19 (a) The minimum score on a standardized test that such students
20 must receive; or

21 (b) Other criteria that students must meet,
22 ➔ to be eligible for Millennium Scholarships.

23 4. In awarding Millennium Scholarships, the Board of Regents
24 shall enhance its outreach to students who:

25 (a) Are pursuing a career in education or health care;

26 (b) Come from families who lack sufficient financial resources
27 to pay for the costs of sending their children to an eligible
28 institution; or

29 (c) Substantially participated in an antismoking, antidrug or
30 antialcohol program during high school.

31 5. The Board of Regents shall establish a procedure by which
32 an applicant for a Millennium Scholarship is required to execute an
33 affidavit declaring the applicant's eligibility for a Millennium
34 Scholarship pursuant to the requirements of this section. The
35 affidavit must include a declaration that the applicant is a citizen of
36 the United States . ~~[or has lawful immigration status, or that the
37 applicant has filed an application to legalize the applicant's
38 immigration status or will file an application to legalize his or her
39 immigration status as soon as he or she is eligible to do so.]~~

40 **Sec. 12.** NRS 422.065 is hereby amended to read as follows:

41 422.065 1. Notwithstanding any other provision of state or
42 local law, a person or governmental entity that provides a ~~[state or]~~
43 local public benefit:

44 (a) Shall comply with the provisions of 8 U.S.C. § 1621
45 regarding the eligibility of an alien for such a benefit.



1 (b) Is not required to pay any costs or other expenses relating to
2 the provision of such a benefit after July 1, 1997, to an alien who,
3 pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.

4 2. *Notwithstanding any other provision of law and except as*
5 *otherwise provided in subsections 3 and 4, a person or*
6 *governmental entity that provides a state public benefit shall not*
7 *provide a state public benefit to a person who is not a citizen of the*
8 *United States.*

9 3. *Subsection 2 does not apply:*

10 (a) *To a person who is eligible for a state public benefit*
11 *pursuant to 8 U.S.C. § 1622(b); and*

12 (b) *With respect to a state public benefit listed in 8 U.S.C. §*
13 *1621(b).*

14 4. *A person or governmental entity that issues business or*
15 *professional licenses may provide a business or professional*
16 *license to a person who is not a citizen of the United States but*
17 *shall not provide a business or professional license to a person*
18 *who is not lawfully present in the United States.*

19 5. Compliance with the provisions of ~~[8 U.S.C. § 1621]~~ *this*
20 *section* must not be construed to constitute any form of
21 discrimination, distinction or restriction made, or any other action
22 taken, on the basis of national origin.

23 ~~[3.]~~ 6. As used in this section ~~[, “state or local public benefit”~~
24 ~~has the meaning ascribed to it] :~~

25 (a) *“Local public benefit” means a benefit listed in 8 U.S.C. §*
26 ~~[1621.]~~ *1621(c) which is provided by an agency of a local*
27 *government or by appropriated money of a local government.*

28 (b) *“State public benefit” means a benefit listed in 8 U.S.C. §*
29 *1621(c) which is provided by an agency of this State or by*
30 *appropriated money of this State.*

31 **Sec. 13.** NRS 422A.085 is hereby amended to read as follows:

32 422A.085 1. Notwithstanding any other provision of state or
33 local law, a person or governmental entity that provides a ~~[state or]~~
34 local public benefit:

35 (a) Shall comply with the provisions of 8 U.S.C. § 1621
36 regarding the eligibility of an alien for such a benefit.

37 (b) Is not required to pay any costs or other expenses relating to
38 the provision of such a benefit after July 1, 1997, to an alien who,
39 pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.

40 2. *Notwithstanding any other provision of law and except as*
41 *otherwise provided in subsections 3 and 4, a person or*
42 *governmental entity that provides a state public benefit shall not*
43 *provide a state public benefit to a person who is not a citizen of the*
44 *United States.*

45 3. *Subsection 2 does not apply:*



1 (a) To a person who is eligible for a state public benefit
2 pursuant to 8 U.S.C. § 1622(b); and

3 (b) With respect to a state public benefit listed in 8 U.S.C. §
4 1621(b).

5 4. A person or governmental entity that issues business or
6 professional licenses may provide a business or professional
7 license to a person who is not a citizen of the United States but
8 shall not provide a business or professional license to a person
9 who is not lawfully present in the United States.

10 5. Compliance with the provisions of ~~[8 U.S.C. § 1621]~~ this
11 section must not be construed to constitute any form of
12 discrimination, distinction or restriction made, or any other action
13 taken, on the basis of national origin.

14 ~~[3-] 6. As used in this section [,"state or local public benefit"
15 has the meaning ascribed to it] :~~

16 (a) "Local public benefit" means a benefit listed in 8 U.S.C. §
17 ~~[1621.]~~ 1621(c) which is provided by an agency of a local
18 government or by appropriated money of a local government.

19 (b) "State public benefit" means a benefit listed in 8 U.S.C. §
20 1621(c) which is provided by an agency of this State or by
21 appropriated money of this State.

22 **Sec. 14.** NRS 483.250 is hereby amended to read as follows:

23 483.250 The Department shall not issue any license pursuant to
24 the provisions of NRS 483.010 to 483.630, inclusive:

25 1. To any person who is under the age of 18 years, except that
26 the Department may issue:

27 (a) A restricted license to a person between the ages of 14 and
28 18 years pursuant to the provisions of NRS 483.267 and 483.270.

29 (b) An instruction permit to a person who is at least 15 1/2 years
30 of age pursuant to the provisions of subsection 1 of NRS 483.280.

31 (c) A restricted instruction permit to a person under the age of
32 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

33 (d) A driver's license to a person who is 16 or 17 years of age
34 pursuant to NRS 483.2521.

35 2. To any person whose license has been revoked until the
36 expiration of the period during which the person is not eligible for a
37 license.

38 3. To any person whose license has been suspended, but upon
39 good cause shown to the Administrator, the Department may issue a
40 restricted license to the person or shorten any period of suspension.

41 4. To any person who has previously been adjudged to be
42 afflicted with or suffering from any mental disability or disease and
43 who has not at the time of application been restored to legal
44 capacity.



1 5. To any person who is required by NRS 483.010 to 483.630,
2 inclusive, to take an examination, unless the person has successfully
3 passed the examination.

4 6. To any person when the Administrator has good cause to
5 believe that by reason of physical or mental disability that person
6 would not be able to operate a motor vehicle safely.

7 7. To any person who is not a resident of this State.

8 8. To any child who is the subject of a court order issued
9 pursuant to title 5 of NRS which delays the child's privilege to
10 drive.

11 9. To any person who is the subject of a court order issued
12 pursuant to NRS 206.330 which delays the person's privilege to
13 drive until the expiration of the period of delay.

14 10. To any person who is not eligible for the issuance of a
15 license pursuant to NRS 483.283.

16 **11. *To any person who is not lawfully present in the United***
17 ***States.***

18 **Sec. 15.** NRS 483.290 is hereby amended to read as follows:

19 483.290 1. Every application for an instruction permit or for
20 a driver's license must:

21 (a) Be made upon a form furnished by the Department.

22 (b) Be verified by the applicant before a person authorized to
23 administer oaths. Officers and employees of the Department may
24 administer those oaths without charge.

25 (c) Be accompanied by the required fee.

26 (d) State the name, date of birth, sex and residence address of
27 the applicant and briefly describe the applicant.

28 (e) State whether the applicant has theretofore been licensed as a
29 driver, and, if so, when and by what state or country, and whether
30 any such license has ever been suspended or revoked, or whether an
31 application has ever been refused, and, if so, the date of and reason
32 for the suspension, revocation or refusal.

33 (f) ***Include such information as the Department may require to***
34 ***determine that the applicant is lawfully present in the United***
35 ***States.***

36 (g) Include such other information as the Department may
37 require to determine the competency and eligibility of the applicant.

38 2. Except as otherwise provided in subsections 5, 6 and 7,
39 every applicant must furnish proof of his or her name and age by
40 displaying an original or certified copy of at least one of the
41 following documents:

42 (a) If the applicant was born in the United States, including,
43 without limitation, the District of Columbia or any territory of the
44 United States:



- 1 (1) 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 (2) A driver's license issued by another state, the District of
5 Columbia or any territory of the United States;
- 6 (3) A passport issued by the United States Government;
- 7 (4) A military identification card or military dependent
8 identification card issued by any branch of the Armed Forces of the
9 United States;
- 10 (5) For persons who served in any branch of the Armed
11 Forces of the United States, a report of separation;
- 12 (6) A Certificate of Degree of Indian Blood issued by the
13 United States Government; or
- 14 (7) Such other documentation as specified by the Department
15 by regulation; or
- 16 (b) If the applicant was born outside the United States:
- 17 (1) A Certificate of Citizenship, Certificate of Naturalization,
18 Permanent Resident Card or Temporary Resident Card issued by the
19 United States Citizenship and Immigration Services of the
20 Department of Homeland Security;
- 21 (2) A Consular Report of Birth Abroad issued by the
22 Department of State;
- 23 (3) A driver's license issued by another state, the District of
24 Columbia or any territory of the United States;
- 25 (4) A passport issued by the United States Government; or
- 26 (5) Any other proof acceptable to the Department other than
27 a passport issued by a foreign government.
- 28 3. At the time of applying for a driver's license, an applicant
29 may, if eligible, register to vote pursuant to NRS 293.524.
- 30 4. Every applicant who has been assigned a social security
31 number must furnish proof of his or her social security number by
32 displaying:
- 33 (a) An original card issued to the applicant by the Social
34 Security Administration bearing the social security number of the
35 applicant; or
- 36 (b) Other proof acceptable to the Department, including, without
37 limitation, records of employment or federal income tax returns.
- 38 5. The Department may refuse to accept a driver's license
39 issued by another state, the District of Columbia or any territory of
40 the United States if the Department determines that the other state,
41 the District of Columbia or the territory of the United States has less
42 stringent standards than the State of Nevada for the issuance of a
43 driver's license.
- 44 6. With respect to any document described in paragraph (b) of
45 subsection 2, the Department may:



1 (a) If the document has expired, refuse to accept the document
2 or refuse to issue a driver's license to the person presenting the
3 document, or both; and

4 (b) If the document specifies a date by which the person
5 presenting the document must depart from the United States, issue
6 to the person presenting the document a driver's license that expires
7 on the date on which the person is required to depart from the
8 United States.

9 7. The Administrator shall adopt regulations setting forth
10 criteria pursuant to which the Department will issue or refuse to
11 issue a driver's license in accordance with this section to a person
12 who is a citizen of a foreign country. The criteria must be based
13 upon the purpose for which that person is present within the United
14 States.

15 8. Notwithstanding any other provision of this section, the
16 Department shall not accept a consular identification card as proof
17 of the age or identity of an applicant for an instruction permit or for
18 a driver's license. As used in this subsection, "consular
19 identification card" has the meaning ascribed to it in NRS 232.006.

20 **Sec. 16.** NRS 293.523 is hereby repealed.

TEXT OF REPEALED SECTION

293.523 Registration of naturalized citizen. A naturalized citizen need not produce his or her certificate of naturalization in order to qualify to be registered.

