

SENATE BILL NO. 331—SENATOR ROBERSON

MARCH 20, 2017

Referred to Committee on Legislative Operations and Elections

SUMMARY—Requires the Secretary of State to verify whether certain persons who are not citizens of the United States are registered to vote. (BDR 24-847)

FISCAL NOTE: Effect on Local Government: No.  
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 elections; requiring the Director of the Department of Motor Vehicles to provide the Secretary of State with certain information regarding persons with driver authorization cards; requiring the Secretary of State to use such information to determine if persons with driver authorization cards who are not citizens of the United States are registered to vote; requiring the Secretary of State to remove from the statewide voter registration list and the appropriate county clerk to cancel the voter registration of a person with a driver authorization card who is not a citizen of the United States; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides that in addition to certain other qualifications, a person  
2 must be a citizen of the United States to vote in any election in the State. (Nev.  
3 Const. Art. 2, § 1; NRS 293.485) Existing law also requires the Secretary of State  
4 to establish and maintain an official statewide voter registration list that is the  
5 official list of registered voters in this State. (NRS 293.675) Existing law  
6 authorizes, under certain circumstances, a person who is not a citizen of the United  
7 States to obtain a driver authorization card that confers on the person the privilege  
8 of operating a vehicle in the State. (NRS 483.291)

9 **Section 1** of this bill requires the Director of the Department of Motor Vehicles  
10 to provide to the Secretary of State upon request information regarding persons  
11 who: (1) possess driver authorization cards; and (2) presented to the Department  
12 with their applications for driver authorization cards documentation to prove name,  
13 age or residence that indicates that the persons are not citizens of the United States.



14 **Section 1** also requires the Secretary of State to determine whether any such person  
15 is on the statewide voter registration list. If the Secretary of State determines that  
16 the Department has credible evidence that a person with a driver authorization card  
17 is on the statewide voter registration list and is not a citizen of the United States, the  
18 Secretary of State must: (1) notify the person of the information provided by the  
19 Director of the Department and that the person is not qualified or entitled to vote if  
20 the person is not a citizen of the United States; (2) request that the person provide to  
21 the Secretary of State satisfactory proof of citizenship, if the registered voter is a  
22 citizen of the United States; and (3) notify the person that if he or she does not  
23 provide satisfactory proof of citizenship, the Secretary of State must remove his or  
24 her name from the statewide voter registration list and the county clerk will cancel  
25 the person's voter registration. If the person does not provide satisfactory proof that  
26 the person is a citizen of the United States, **section 1** requires the Secretary of State  
27 to remove the person from the statewide voter registration list and **section 2** of this  
28 bill requires the county clerk to cancel the person's voter registration. **Section 3** of  
29 this bill provides that the county clerk must reregister the person if the person  
30 provides to the county clerk satisfactory proof that the person is a citizen of the  
31 United States and satisfies all other voter eligibility requirements. **Sections 4-6** of  
32 this bill make conforming changes.

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

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

3 *1. The Director of the Department of Motor Vehicles shall*  
4 *upon request provide the Secretary of State with information*  
5 *regarding each person who:*

6 *(a) Has been issued a driver authorization card issued by the*  
7 *Department pursuant to NRS 483.291; and*

8 *(b) Provided to the Department with his or her application for*  
9 *a driver authorization card documentation to prove name, age or*  
10 *residence that indicates the person is not a citizen of the United*  
11 *States.*

12 *↪ The information provided pursuant to this subsection, must*  
13 *include, without limitation, each person's name, date of birth,*  
14 *residential and mailing addresses and an explanation of the*  
15 *documentation to prove name, age or residence that was provided*  
16 *by the person to the Department when the person applied for the*  
17 *driver authorization card.*

18 *2. The Secretary of State shall at reasonable intervals*  
19 *determine whether the name of any person regarding whom the*  
20 *Director provided information to the Secretary of State pursuant*  
21 *to subsection 1 is on the statewide voter registration list.*

22 *3. If the Secretary of State determines that the Department*  
23 *has credible evidence that the name of a person with a driver*  
24 *authorization card who is not a citizen of the United States is on*  
25 *the statewide voter registration list, the Secretary of State must:*



1 (a) Notify the person by certified mail, return receipt  
2 requested:

3 (1) Of the information provided by the Director of the  
4 Department to the Secretary of State;

5 (2) That the name of the person is on the statewide voter  
6 registration list; and

7 (3) That if the person is not a citizen of the United States,  
8 the person is not qualified or entitled to vote;

9 (b) Request that the person provide to the Secretary of State  
10 satisfactory proof of citizenship, if the person is a citizen of the  
11 United States; and

12 (c) Notify the person that if he or she does not provide  
13 satisfactory proof that the person is a citizen of the United States:

14 (1) The Secretary of State must remove the name of the  
15 person from the statewide voter registration list; and

16 (2) The county clerk will cancel the person's voter  
17 registration.

18 4. If the person does not provide to the Secretary of State  
19 satisfactory proof that the person is a citizen of the United States  
20 not later than 15 days after the return receipt has been filed in the  
21 Office of the Secretary of State, the Secretary of State must:

22 (a) Remove the person from the statewide voter registration  
23 list;

24 (b) Notify the county clerk of the county in which the person is  
25 registered to vote that the Secretary of State has removed the  
26 person from the statewide voter registration list; and

27 (c) Request that the county clerk cancel the person's voter  
28 registration.

29 **Sec. 2.** NRS 293.540 is hereby amended to read as follows:

30 293.540 The county clerk shall cancel the registration:

31 1. If the county clerk has personal knowledge of the death of  
32 the person registered, or if an authenticated certificate of the death  
33 of any elector is filed in the county clerk's office.

34 2. If the county clerk is provided a certified copy of a court  
35 order stating that the court specifically finds by clear and convincing  
36 evidence that the person registered lacks the mental capacity to vote  
37 because he or she cannot communicate, with or without  
38 accommodations, a specific desire to participate in the voting  
39 process.

40 3. Upon the determination that the person registered has been  
41 convicted of a felony unless:

42 (a) If the person registered was convicted of a felony in this  
43 State, the right to vote of the person has been restored pursuant to  
44 the provisions of NRS 213.090, 213.155 or 213.157.



1 (b) If the person registered was convicted of a felony in another  
2 state, the right to vote of the person has been restored pursuant to  
3 the laws of the state in which the person was convicted.

4 4. Upon the production of a certified copy of the judgment of  
5 any court directing the cancellation to be made.

6 5. Upon the request of any registered voter to affiliate with any  
7 political party or to change affiliation, if that change is made before  
8 the end of the last day to register to vote in the election.

9 6. At the request of the person registered.

10 7. If the county clerk has discovered an incorrect registration  
11 pursuant to the provisions of NRS 293.5235, 293.530 or 293.535  
12 and the elector has failed to respond or appear to vote within the  
13 required time.

14 8. As required by NRS 293.541.

15 9. Upon verification that the application to register to vote is a  
16 duplicate if the county clerk has the original or another duplicate of  
17 the application on file in the county clerk's office.

18 ***10. Upon receipt of notification from the Secretary of State***  
19 ***pursuant to section 1 of this act that the person registered has***  
20 ***been removed from the statewide voter registration list.***

21 **Sec. 3.** NRS 293.543 is hereby amended to read as follows:

22 293.543 1. If the registration of an elector is cancelled  
23 pursuant to subsection 2 of NRS 293.540, the county clerk shall  
24 reregister the elector upon notice from the clerk of the district court  
25 that the elector has been found by the district court to have the  
26 mental capacity to vote. The court must include the finding in a  
27 court order and, not later than 30 days after issuing the order,  
28 provide a certified copy of the order to the county clerk of the  
29 county in which the person is a resident and to the Office of the  
30 Secretary of State.

31 2. If the registration of an elector is cancelled pursuant to  
32 subsection 3 of NRS 293.540, the elector may reregister after  
33 presenting satisfactory evidence which demonstrates that the  
34 elector's:

35 (a) Conviction has been overturned; or

36 (b) Civil rights have been restored:

37 (1) If the elector was convicted in this State, pursuant to the  
38 provisions of NRS 213.090, 213.155 or 213.157.

39 (2) If the elector was convicted in another state, pursuant to  
40 the laws of the state in which he or she was convicted.

41 3. If the registration of an elector is cancelled pursuant to the  
42 provisions of subsection 5 of NRS 293.540, the elector may  
43 reregister immediately.

44 4. If the registration of an elector is cancelled pursuant to the  
45 provisions of subsection 6 of NRS 293.540, after the close of



1 registration for a primary election, the elector may not reregister  
2 until after the primary election.

3 **5. *If the registration of a person is cancelled pursuant to***  
4 ***subsection 10 of NRS 293.540, the county clerk shall reregister the***  
5 ***person if the person provides to the county clerk satisfactory proof***  
6 ***that the person is a citizen of the United States and satisfies all***  
7 ***other voter eligibility requirements set forth in NRS 293.485.***

8 **Sec. 4.** NRS 293.675 is hereby amended to read as follows:

9 293.675 1. The Secretary of State shall establish and  
10 maintain an official statewide voter registration list, which may be  
11 maintained on the Internet, in consultation with each county and city  
12 clerk.

13 2. The statewide voter registration list must:

14 (a) Be a uniform, centralized and interactive computerized list;

15 (b) Serve as the single method for storing and managing the  
16 official list of registered voters in this State;

17 (c) Serve as the official list of registered voters for the conduct  
18 of all elections in this State;

19 (d) Contain the name and registration information of every  
20 legally registered voter in this State;

21 (e) Include a unique identifier assigned by the Secretary of State  
22 to each legally registered voter in this State;

23 (f) Except as otherwise provided in subsection 6, be coordinated  
24 with the appropriate databases of other agencies in this State;

25 (g) Be electronically accessible to each state and local election  
26 official in this State at all times;

27 (h) Except as otherwise provided in subsection 7, allow for data  
28 to be shared with other states under certain circumstances; and

29 (i) Be regularly maintained to ensure the integrity of the  
30 registration process and the election process.

31 3. Each county and city clerk shall:

32 (a) Electronically enter into the statewide voter registration list  
33 all information related to voter registration obtained by the county  
34 or city clerk at the time the information is provided to the county or  
35 city clerk; and

36 (b) Provide the Secretary of State with information concerning  
37 the voter registration of the county or city and other reasonable  
38 information requested by the Secretary of State in the form required  
39 by the Secretary of State to establish or maintain the statewide voter  
40 registration list.

41 4. In establishing and maintaining the statewide voter  
42 registration list, the Secretary of State shall enter into a cooperative  
43 agreement with the Department of Motor Vehicles to match  
44 information in the database of the statewide voter registration list



1 with information in the appropriate database of the Department of  
2 Motor Vehicles to verify ~~the~~ :

3 (a) *The* accuracy of the information in an application to register  
4 to vote ~~H~~ ; and

5 (b) *Whether the statewide voter registration list includes any*  
6 *person with a driver authorization card who is not a citizen of the*  
7 *United States.*

8 5. The Department of Motor Vehicles shall enter into an  
9 agreement with the Social Security Administration pursuant to ~~42~~  
10 52 U.S.C. § ~~15483~~ 21083 to verify the accuracy of information in  
11 an application to register to vote.

12 6. Except as otherwise provided in NRS 481.063 or any  
13 provision of law providing for the confidentiality of information, the  
14 Secretary of State may enter into an agreement with an agency of  
15 this State pursuant to which the agency provides to the Secretary of  
16 State any information in the possession of the agency that the  
17 Secretary of State deems necessary to maintain the statewide voter  
18 registration list.

19 7. The Secretary of State may:

20 (a) Request from the chief officer of elections of another state  
21 any information which the Secretary of State deems necessary to  
22 maintain the statewide voter registration list; and

23 (b) Provide to the chief officer of elections of another state any  
24 information which is requested and which the Secretary of State  
25 deems necessary for the chief officer of elections of that state to  
26 maintain a voter registration list, if the Secretary of State is satisfied  
27 that the information provided pursuant to this paragraph will be used  
28 only for the maintenance of that voter registration list.

29 **Sec. 5.** NRS 481.063 is hereby amended to read as follows:

30 481.063 1. The Director may charge and collect reasonable  
31 fees for official publications of the Department and from persons  
32 making use of files and records of the Department or its various  
33 divisions for a private purpose. All money so collected must be  
34 deposited in the State Treasury for credit to the Motor Vehicle Fund.

35 2. Except as otherwise provided in subsection 6, the Director  
36 may release personal information, except a photograph, from a file  
37 or record relating to the driver's license, identification card, or title  
38 or registration of a vehicle of a person if the requester submits a  
39 written release from the person who holds a lien on the vehicle, or  
40 an agent of that person, or the person about whom the information is  
41 requested which is dated not more than 90 days before the date of  
42 the request. The written release must be in a form required by the  
43 Director.

44 3. Except as otherwise provided in subsections 2 and 4, the  
45 Director shall not release to any person who is not a representative



1 of the Division of Welfare and Supportive Services of the  
2 Department of Health and Human Services or an officer, employee  
3 or agent of a law enforcement agency, an agent of the public  
4 defender's office or an agency of a local government which collects  
5 fines imposed for parking violations, who is not conducting an  
6 investigation pursuant to NRS 253.0415 or 253.220, who is not  
7 authorized to transact insurance pursuant to chapter 680A of NRS or  
8 who is not licensed as a private investigator pursuant to chapter 648  
9 of NRS and conducting an investigation of an insurance claim:

10 (a) A list which includes license plate numbers combined with  
11 any other information in the records or files of the Department;

12 (b) The social security number of any person, if it is requested to  
13 facilitate the solicitation of that person to purchase a product or  
14 service; or

15 (c) The name, address, telephone number or any other  
16 personally identifiable information if the information is requested by  
17 the presentation of a license plate number.

18 ➤ When such personally identifiable information is requested of a  
19 law enforcement agency by the presentation of a license plate  
20 number, the law enforcement agency shall conduct an investigation  
21 regarding the person about whom information is being requested or,  
22 as soon as practicable, provide the requester with the requested  
23 information if the requester officially reports that the motor vehicle  
24 bearing that license plate was used in a violation of NRS 205.240,  
25 205.345, 205.380 or 205.445.

26 4. If a person is authorized to obtain such information pursuant  
27 to a contract entered into with the Department and if such  
28 information is requested for the purpose of an advisory notice  
29 relating to a motor vehicle or the recall of a motor vehicle or for the  
30 purpose of providing information concerning the history of a  
31 vehicle, the Director may release:

32 (a) A list which includes license plate numbers combined with  
33 any other information in the records or files of the Department; or

34 (b) The name, address, telephone number or any other  
35 personally identifiable information if the information is requested by  
36 the presentation of a license plate number.

37 5. Except as otherwise provided in subsections 2, 4 and 6 and  
38 NRS 483.294, 483.855 and 483.937, the Director shall not release  
39 any personal information from a file or record relating to a driver's  
40 license, identification card, or title or registration of a vehicle.

41 6. Except as otherwise provided in paragraph (a) and  
42 subsection 7, if a person or governmental entity provides a  
43 description of the information requested and its proposed use and  
44 signs an affidavit to that effect, the Director may release any  
45 personal information, except a photograph, from a file or record



1 relating to a driver's license, identification card, or title or  
2 registration of a vehicle for use:

3 (a) By any governmental entity, including, but not limited to,  
4 any court or law enforcement agency, in carrying out its functions,  
5 or any person acting on behalf of a federal, state or local  
6 governmental agency in carrying out its functions. The personal  
7 information may include a photograph from a file or record relating  
8 to a driver's license, identification card, or title or registration of a  
9 vehicle.

10 (b) In connection with any civil, criminal, administrative or  
11 arbitration proceeding before any federal or state court, regulatory  
12 body, board, commission or agency, including, but not limited to,  
13 use for service of process, investigation in anticipation of litigation,  
14 and execution or enforcement of judgments and orders, or pursuant  
15 to an order of a federal or state court.

16 (c) In connection with matters relating to:

- 17 (1) The safety of drivers of motor vehicles;  
18 (2) Safety and thefts of motor vehicles;  
19 (3) Emissions from motor vehicles;  
20 (4) Alterations of products related to motor vehicles;  
21 (5) An advisory notice relating to a motor vehicle or the  
22 recall of a motor vehicle;  
23 (6) Monitoring the performance of motor vehicles;  
24 (7) Parts or accessories of motor vehicles;  
25 (8) Dealers of motor vehicles; or  
26 (9) Removal of nonowner records from the original records  
27 of motor vehicle manufacturers.

28 (d) By any insurer, self-insurer or organization that provides  
29 assistance or support to an insurer or self-insurer or its agents,  
30 employees or contractors, in connection with activities relating to  
31 the rating, underwriting or investigation of claims or the prevention  
32 of fraud.

33 (e) In providing notice to the owners of vehicles that have been  
34 towed, repossessed or impounded.

35 (f) By an employer or its agent or insurer to obtain or verify  
36 information relating to a holder of a commercial driver's license  
37 who is employed by or has applied for employment with the  
38 employer.

39 (g) By a private investigator, private patrol officer or security  
40 consultant who is licensed pursuant to chapter 648 of NRS, for any  
41 use permitted pursuant to this section.

42 (h) By a reporter or editorial employee who is employed by or  
43 affiliated with any newspaper, press association or commercially  
44 operated, federally licensed radio or television station for a  
45 journalistic purpose. The Department may not make any inquiries





1 regarding the use of or reason for the information requested other  
2 than whether the information will be used for a journalistic purpose.

3 (i) In connection with an investigation conducted pursuant to  
4 NRS 253.0415 or 253.220.

5 (j) In activities relating to research and the production of  
6 statistical reports, if the personal information will not be published  
7 or otherwise redisclosed, or used to contact any person.

8 7. Except as otherwise provided in paragraph (j) of subsection  
9 6, the Director shall not provide personal information to individuals  
10 or companies for the purpose of marketing extended vehicle  
11 warranties, and a person who requests and receives personal  
12 information may sell or disclose that information only for a use  
13 permitted pursuant to subsection 6. Such a person shall keep and  
14 maintain for 5 years a record of:

15 (a) Each person to whom the information is provided; and

16 (b) The purpose for which that person will use the information.

17 ➔ The record must be made available for examination by the  
18 Department at all reasonable times upon request.

19 8. Except as otherwise provided in subsection 2, the Director  
20 may deny any use of the files and records if the Director reasonably  
21 believes that the information taken may be used for an unwarranted  
22 invasion of a particular person's privacy.

23 9. Except as otherwise provided in NRS 485.316, the Director  
24 shall not allow any person to make use of information retrieved  
25 from the system created pursuant to NRS 485.313 for a private  
26 purpose and shall not in any other way release any information  
27 retrieved from that system.

28 10. The Director shall not release any information relating to  
29 legal presence or any other information relating to or describing  
30 immigration status, nationality or citizenship from a file or record  
31 relating to a request for or the issuance of a license, identification  
32 card or title or registration of a vehicle to any person or to any  
33 federal, state or local governmental entity for any purpose relating to  
34 the enforcement of immigration laws.

35 11. The Director shall adopt such regulations as the Director  
36 deems necessary to carry out the purposes of this section. In  
37 addition, the Director shall, by regulation, establish a procedure  
38 whereby a person who is requesting personal information may  
39 establish an account with the Department to facilitate the person's  
40 ability to request information electronically or by written request if  
41 the person has submitted to the Department proof of employment or  
42 licensure, as applicable, and a signed and notarized affidavit  
43 acknowledging that the person:

44 (a) Has read and fully understands the current laws and  
45 regulations regarding the manner in which information from the



1 Department's files and records may be obtained and the limited uses  
2 which are permitted;

3 (b) Understands that any sale or disclosure of information so  
4 obtained must be in accordance with the provisions of this section;

5 (c) Understands that a record will be maintained by the  
6 Department of any information he or she requests; and

7 (d) Understands that a violation of the provisions of this section  
8 is a criminal offense.

9 12. It is unlawful for any person to:

10 (a) Make a false representation to obtain any information from  
11 the files or records of the Department.

12 (b) Knowingly obtain or disclose any information from the files  
13 or records of the Department for any use not permitted by the  
14 provisions of this chapter ~~H~~ *or chapter 293 of NRS.*

15 13. As used in this section:

16 (a) "Information relating to legal presence" means information  
17 that may reveal whether a person is legally present in the United  
18 States, including, without limitation, whether the driver's license  
19 that a person possesses is a driver authorization card, whether the  
20 person applied for a driver's license pursuant to NRS 483.290 or  
21 483.291 and the documentation used to prove name, age and  
22 residence that was provided by the person with his or her application  
23 for a driver's license.

24 (b) "Personal information" means information that reveals the  
25 identity of a person, including, without limitation, his or her  
26 photograph, social security number, individual taxpayer  
27 identification number, driver's license number, identification card  
28 number, name, address, telephone number or information regarding  
29 a medical condition or disability. The term does not include the zip  
30 code of a person when separate from his or her full address,  
31 information regarding vehicular crashes or driving violations in  
32 which he or she has been involved or other information otherwise  
33 affecting his or her status as a driver.

34 (c) "Vehicle" includes, without limitation, an off-highway  
35 vehicle as defined in NRS 490.060.

36 **Sec. 6.** NRS 482.170 is hereby amended to read as follows:

37 482.170 Except as otherwise provided in NRS 239.0115,  
38 481.063, 483.651, 483.655, 483.657 and 485.316, *and section 1 of*  
39 *this act*, all personal information in the records of registration and  
40 licensing in the offices of the Department is confidential and must  
41 not knowingly be disclosed by the Department.

42 **Sec. 7.** This act becomes effective on July 1, 2017.

