

JAN 21 2021

A BILL FOR AN ACT

RELATING TO VOTING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended
2 by adding a new section to part II to be appropriately
3 designated and to read as follows:

4 "§11- Automatic registration. (a) An application for
5 voter registration, including an affidavit, shall be a part of
6 the application for issuance of an identification card under
7 section 286-301 and the application for issuance of a driver's
8 license under section 286-109. Each application for voter
9 registration shall include a space to request a change of name
10 or address.

11 (b) Applications for an identification card or driver's
12 license shall not be processed until the applicant completes the
13 portion of the application related to voter registration,
14 including change in name or address, or clearly indicates that
15 the applicant declines to register to vote. Unless an applicant
16 affirmatively declines to be registered to vote, the submission
17 of the application for the issuance of an identification card



1 under section 286-301 and the application for a driver's license
2 under section 286-109 shall be deemed to authorize the examiner
3 of drivers to collect and transmit the information necessary to
4 register the applicant as a voter or make changes to the
5 applicant's voter registration information. The examiner of
6 drivers shall electronically transmit the necessary information
7 to the clerk of the county in which the applicant resides,
8 election officials, and the online voter registration system
9 pursuant to subsection (d).

10 The examiner of drivers shall not transmit any information
11 necessary to register an applicant as a voter nor change any
12 voter registration information, if the applicant affirmatively
13 declines to be registered to vote. The examiner of drivers
14 shall not electronically transmit any information that the
15 applicant affirmatively declines to be transmitted.

16 (c) Upon receipt of the completed voter registration
17 application transmitted from the examiner of drivers, the clerk
18 shall review and either approve or reject the voter registration
19 application in accordance with this part; provided that approved
20 voter registration applications received from the examiner of
21 drivers pursuant to this section shall be treated as having a



1 valid signature for purposes of section 11-15(c), whether
2 transmitted electronically or by facsimile transmission. Upon
3 approval of the voter registration application, including a
4 request for change of voter registration information, the clerk
5 shall proceed to number the application and register the name of
6 the voter in the general county register as provided in section
7 11-14 or make approved changes to the voter's existing voter
8 registration information.

9 (d) Databases maintained or operated by the counties or
10 the department of transportation containing driver's license or
11 identification card information, including any documents or
12 images, shall be directly accessible and provided electronically
13 to election officials and the online voter registration system
14 to allow for the timely processing of voter applications, ensure
15 the integrity of the voter registration polls, and for any other
16 voter registration or election purposes, as determined by the
17 director of transportation."

18 SECTION 2. Chapter 286, Hawaii Revised Statutes, is
19 amended by adding a new section to part VI to be appropriately
20 designated and to read as follows:



1 "§286-A Voter registration. (a) A qualified applicant
2 for a new or renewed motor vehicle driver's license, provisional
3 license, or instruction permit shall automatically be registered
4 to vote with the clerk of the appropriate county upon completion
5 of the license or permit application and the affidavit and
6 application for voter registration as required in section 11- ,
7 unless the qualified applicant affirmatively declines, on the
8 application form, to be registered to vote. The qualified
9 applicant may request on the same form that a change be made to
10 the qualified applicant's name or address in the case of
11 existing voter registration information.

12 (b) Unless a qualified applicant affirmatively declines to
13 be registered to vote, the submission of the affidavit and
14 application for voter registration together with the license or
15 permit application shall be deemed to authorize the examiner of
16 drivers to collect and transmit the information necessary to
17 register the qualified applicant as a voter or make changes to
18 the qualified applicant's voter registration information, and
19 the examiner of drivers shall electronically transmit the
20 necessary information to the clerk of the county in which the



1 qualified applicant resides, election officials, and the online
2 voter registration system pursuant to section 11- (d).

3 The examiner of drivers shall not transmit any information
4 necessary to register a qualified applicant as a voter if the
5 qualified applicant affirmatively declines to be registered to
6 vote. The examiner of drivers shall not electronically transmit
7 any information that the qualified applicant affirmatively
8 declines to be transmitted.

9 (c) For the purposes of this section, "qualified
10 applicant" means a person who qualifies to register as a voter
11 by law."

12 SECTION 3. Chapter 286, Hawaii Revised Statutes, is
13 amended by adding a new section to part XVI to be appropriately
14 designated and to read as follows:

15 "§286-B Voter registration. (a) A qualified applicant
16 for a new, renewal, or duplicate identification card shall
17 automatically be registered to vote with the clerk of the
18 appropriate county upon completion of an application for
19 identification card and the affidavit and application for voter
20 registration as required by section 11- , unless the qualified
21 applicant affirmatively declines, on the application form, to be



1 registered to vote. The qualified applicant may request on the
2 same form that a change be made to the qualified applicant's
3 name or address in the case of existing voter registration
4 information.

5 (b) Unless a qualified applicant affirmatively declines to
6 be registered to vote, the submission of the affidavit and
7 application for voter registration together with the application
8 for the identification card shall be deemed to authorize the
9 examiner of drivers to collect and transmit the information
10 necessary to register the qualified applicant as a voter or make
11 changes to the applicant's voter registration information, and
12 the examiner of drivers shall electronically transmit the
13 necessary information to the clerk of the county in which the
14 applicant resides, election officials, and the online voter
15 registration system pursuant to section 11- (d).

16 The examiner of drivers shall not transmit any information
17 necessary to register a qualified applicant as a voter if the
18 qualified applicant affirmatively declines to be registered to
19 vote. The examiner of drivers shall not electronically transmit
20 any information that the qualified applicant affirmatively
21 declines to be transmitted.



1 (c) For the purposes of this section, "qualified
2 applicant" means a person who qualifies to register as a voter
3 by law."

4 SECTION 4. Section 286-108, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) Except as provided in section 286-107.5(a), the
7 examiner of drivers shall examine every applicant for a driver's
8 license, except as otherwise provided in this part. The
9 examination shall include a test of:

- 10 (1) The applicant's eyesight and any further physical
11 examination that the examiner of drivers finds
12 necessary to determine the applicant's fitness to
13 operate a motor vehicle safely upon the highways;
- 14 (2) The applicant's ability to understand highway signs
15 regulating, warning, and directing traffic;
- 16 (3) The applicant's knowledge of the rules of the road
17 based on the traffic laws of the State and the traffic
18 ordinances of the county where the applicant resides
19 or intends to operate a motor vehicle; provided that
20 the examination shall specifically test the



1 applicant's knowledge of the provisions of section
2 291C-121.5 and section 291C-137; and
3 (4) The actual demonstration of ability to exercise
4 ordinary and reasonable control in the operation of a
5 motor vehicle.

6 The examinations shall be appropriate to the operation of the
7 category of motor vehicle for which the applicant seeks to be
8 licensed and shall be conducted as required by the director.

9 The examiner of drivers shall require every applicant to
10 comply with section 286-102.5.

11 The examiner of drivers may waive the actual demonstration
12 of ability to operate a motorcycle or motor scooter for any
13 person who furnishes evidence, to the satisfaction of the
14 examiner of drivers, that the person has completed the
15 motorcycle education course approved by the director in
16 accordance with section 431:10G-104.

17 ~~[At the time of examination, an application for voter~~
18 ~~registration by mail shall be made available to every applicant~~
19 ~~for a driver's license.]~~



1 For the purposes of this section, the term "applicant" does
2 not include any person reactivating a license under section
3 286-107.5(a)."

4 SECTION 5. Section 286-109, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§286-109 General provision governing the issuance of**
7 **licenses.** (a) Upon payment of the required fee and upon
8 demonstrating the ability to operate a certain category or
9 categories of motor vehicles to the satisfaction of the examiner
10 of drivers, an applicant for a driver's license shall be issued
11 a single license of a design approved by the director of
12 transportation upon which is made a notation of:

- 13 (1) The person's full legal name, date of birth, gender
14 designation, residence address, and license number;
15 (2) The category or categories of motor vehicles the
16 applicant may operate;
17 (3) Any restrictive provisions to which the license is
18 subject;
19 (4) Veteran status, if desired by the applicant; provided
20 that the notation shall be on the front of the license



1 and shall not include any designation other than the
2 term "veteran"; and

3 (5) When the license is issued to a person under twenty-
4 one years of age, a statement, in clearly legible
5 print that shall contrast with the other information
6 appearing on the license, which indicates the date on
7 which the person will attain the age of twenty-one
8 years.

9 As used in this subsection:

10 "Gender designation" includes the options of F, M, or X.

11 "Veteran" means any person who served in any of the
12 uniformed services of the United States, including veterans of
13 the Korean conflict and persons who served in the armed forces
14 of the Republic of Korea, who fought under the command of the
15 United Nations led by the United States, during the Korean
16 conflict and are currently United States citizens, and was
17 discharged under conditions other than dishonorable.

18 (b) The examiner of drivers shall not issue or renew any
19 driver's license using the driver's social security number on
20 the driver's license.



1 (c) Statutes of limitations and other provisions of this
2 chapter notwithstanding, no driver's license or instruction
3 permit shall be issued or renewed under this section, where the
4 examiner of drivers is notified by the district judge, traffic
5 violations bureaus of the district courts, or the judge of the
6 circuit court that the applicant has failed to respond to a
7 traffic citation or summons, or failed to appear in court after
8 an arrest for the violation of any traffic laws of a county,
9 this chapter or chapter 286G, 287, 290, 291, or 291C, or of any
10 motor vehicle insurance laws under article 10C of chapter 431,
11 or of any motorcycle or motor scooter insurance laws under
12 article 10G of chapter 431, and the same remains delinquent and
13 outstanding, or the applicant, has as of the time of the
14 application, failed to comply in full with all orders of the
15 court; provided that the district court with whose order an
16 applicant has failed to comply in full, may approve the issuance
17 or renewal of a driver's license or instruction permit other
18 than a commercial driver's license upon conditions imposed by
19 the court for the satisfaction of the outstanding court order
20 and any other conditions as may be imposed by the court, if one
21 or more of the following conditions are met:



1 (1) The applicant is gainfully employed in a position that
2 requires driving and will be discharged if the
3 applicant is unable to drive; or

4 (2) The applicant has no access to alternative
5 transportation and therefore must drive to work;
6 provided further that if the applicant has failed to comply in
7 full with orders of the district court of more than one circuit,
8 the applicant shall obtain the approval of the district court of
9 each circuit in which the applicant has an outstanding court
10 order before a driver's license or instruction permit may be
11 issued or renewed under this subsection.

12 A driver's license or instruction permit issued or renewed
13 under this subsection shall be subject to immediate suspension
14 by the court upon the applicant's failure to remain in full
15 compliance with all conditions imposed by the court for the
16 issuance or renewal of the driver's license or instruction
17 permit. The examiner of drivers may place an indication of
18 restriction upon a driver's license or instruction permit issued
19 or renewed under this subsection. Proof of financial
20 responsibility under section 287-20 shall not apply to the



1 issuance or renewal of driver's licenses or instruction permits
2 under this subsection.

3 (d) An application for a driver's license shall include
4 the affidavit and voter registration application required under
5 section 11- ."

6 SECTION 6. Section 286-301, Hawaii Revised Statutes, is
7 amended to read as follows:

8 " ~~§286-301~~ **Issuance of identification card or**
9 **temporary card.** (a) To obtain an identification card from the
10 examiner of drivers, an individual shall complete an application
11 pursuant to section 286-303.

12 (b) The examiner of drivers, upon receipt of the
13 application by any individual who is a resident or a temporary
14 resident of this State, shall issue an identification card to
15 that individual upon receipt of any appropriate fee established
16 pursuant to section 286-309.

17 (c) The identification card shall be similar in size,
18 shape, and design to a driver's license, but shall not entitle
19 the individual to whom it is issued to operate a motor vehicle.

20 (d) The issuance of an identification card pursuant to
21 this section shall not place upon the State of Hawaii or any



1 agency any liability for the misuse or the acceptance of the
2 identification card as valid identification, which shall be left
3 entirely to the discretion of any individual to whom such card
4 is presented.

5 (e) An application for an identification card from the
6 examiner of drivers shall include the affidavit and voter
7 registration application required under section 11- ."

8 SECTION 7. Section 286-311, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) All information and records acquired by the examiner
11 of drivers under this part shall be confidential [÷]; provided
12 that the examiner may transmit voter registration information as
13 required under sections 286-A, 286-B, 286-109, and 286-301. All
14 information and records shall be maintained in an appropriate
15 form and in an appropriate office in the custody and under the
16 control of the examiner. The information shall be available
17 only to authorized individuals under such restrictions as the
18 director shall prescribe. The examiner may dispose of any
19 application or identification card, or information or record
20 relating to the application or identification card, which does
21 not include a social security number, without regard to



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1 chapter 94, whenever, in the examiner's discretion, retention of
2 the information or record is no longer required or practicable."

3 SECTION 8. The examiner of drivers in each county shall
4 cooperate with the office of elections to develop such forms,
5 applications, and affidavits necessary to effectuate the
6 purposes of this Act.

7 SECTION 9. In codifying the new sections added by sections
8 2 and 3 and referenced in section 7 of this Act, the revisor of
9 statutes shall substitute appropriate section numbers for the
10 letters used in designating the new sections in this Act.

11 SECTION 10. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 11. This Act shall take effect upon its approval.

14

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'C. A.', is written over a horizontal line.

S.B. NO. 159

Report Title:

Automatic Voter Registration; Driver's License; Identification Card; Affirmative Opt-out

Description:

Requires any person who is eligible to vote and applies for a motor vehicle driver's license or identification card to be automatically registered to vote unless the applicant affirmatively declines. Allows an applicant to affirmatively decline to have any of the applicant's information electronically transmitted. Authorizes access to and electronic transmission of databases maintained or operated by the counties or the department of transportation that contains driver's license or identification card information to election officials and the online voter registration system.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

