
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 shall be a part of the application for
6 issuance of an identification card under section 286-303 and the
7 application for issuance of a driver's license under
8 section 286-111. Each application for voter registration shall
9 include a space to request a change of name or address.

10 (b) Applications for an identification card or driver's
11 license shall not be processed until the applicant completes the
12 portion of the application related to voter registration,
13 including change in name or address, indicates the applicant's
14 choice of whether to register to vote, or, if already registered
15 to vote, is offered the opportunity to decline to change the
16 applicant's voter registration information. The submission of
17 the application for the issuance of an identification card under



1 section 286-303 and the application for a driver's license under
2 section 286-111 shall be deemed to authorize the examiner of
3 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 if the applicant made
6 such a choice. The examiner of drivers shall electronically
7 transmit the necessary information to the clerk of the county in
8 which the applicant resides, election officials, and the online
9 voter registration system 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 makes a choice
13 not to be registered to vote or make changes to the applicant's
14 voter registration information. The examiner of drivers shall
15 not transmit any information related to a voter application or
16 changes to the applicant's voter registration information if the
17 applicant presents a document demonstrating a lack of United
18 States citizenship.

19 (c) Upon receipt of the completed voter registration
20 application or changes to the applicant's voter registration
21 information transmitted from the examiner of drivers, the clerk



1 shall review and either approve or reject the voter registration
2 application in accordance with this part; provided that approved
3 voter registration applications received from the examiner of
4 drivers pursuant to this section shall be treated as having a
5 valid signature for purposes of section 11-15(c), whether
6 transmitted electronically or by facsimile transmission. Upon
7 approval of the voter registration application, including a
8 request for change of voter registration information, the clerk
9 shall proceed to number the application and register the name of
10 the voter in the general county register as provided in
11 section 11-14 or make approved changes to the voter's existing
12 voter registration information as applicable.

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



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

4 "§286-A Voter registration. (a) A qualified applicant
5 for a new or renewed motor vehicle driver's license shall
6 automatically be registered to vote with the clerk of the
7 appropriate county upon completion of the driver's license
8 application and application for voter registration as required
9 in section 11- if the qualified applicant makes a choice to
10 register to vote on the application form. The qualified
11 applicant may choose on the same form that a change be made to
12 the qualified applicant's name or address in the case of
13 existing voter registration information.

14 (b) The submission of the application for voter
15 registration together with the license or permit application
16 shall be deemed to authorize the examiner of drivers to collect
17 and transmit the information necessary to register the qualified
18 applicant as a voter or make changes to the qualified
19 applicant's voter registration information if the applicant made
20 such a choice, and the examiner of drivers shall electronically
21 transmit the necessary information to the clerk of the county in



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

4 The examiner of drivers shall not transmit any information
5 necessary to register a qualified applicant as a voter or make
6 changes to the qualified applicant's voter registration
7 information if the qualified applicant makes a choice not to be
8 registered to vote or make changes to the qualified applicant's
9 voter registration information. The examiner of drivers shall
10 not transmit any information related to a voter application or
11 changes to the applicant's voter registration information if the
12 applicant presents a document demonstrating a lack of United
13 States citizenship.

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

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

20 "§286-B Voter registration. (a) A qualified applicant
21 for a new, renewal, or duplicate identification card shall



1 automatically be registered to vote with the clerk of the
2 appropriate county upon completion of an application for
3 identification card and the application for voter registration
4 as required by section 11- if the qualified applicant makes a
5 choice to be registered to vote. The qualified applicant may
6 request on the same form that a change be made to the qualified
7 applicant's name or address in the case of existing voter
8 registration information.

9 (b) The submission of the application for voter
10 registration together with the application for the
11 identification card shall be deemed to authorize the examiner of
12 drivers to collect and transmit the information necessary to
13 register the qualified applicant as a voter or make changes to
14 the qualified applicant's voter registration information if the
15 applicant made such a choice, and the examiner of drivers shall
16 electronically transmit the necessary information to the clerk
17 of the county in which the qualified applicant resides, election
18 officials, and the online voter registration system pursuant to
19 section 11- (d).

20 The examiner of drivers shall not transmit any information
21 necessary to register a qualified applicant as a voter or make



1 changes to the qualified applicant's voter registration
2 information if the qualified applicant makes a choice not to be
3 registered to vote or make changes to the qualified applicant's
4 voter registration information. The examiner of drivers shall
5 not transmit any information related to a voter application or
6 changes to the applicant's voter registration information if the
7 applicant presents a document demonstrating a lack of United
8 States citizenship.

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

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

18 (1) The applicant's eyesight and any further physical
19 examination that the examiner of drivers finds
20 necessary to determine the applicant's fitness to
21 operate a motor vehicle safely upon the highways;



- 1 (2) The applicant's ability to understand highway signs
2 regulating, warning, and directing traffic;
- 3 (3) The applicant's knowledge of the rules of the road
4 based on the traffic laws of the State and the traffic
5 ordinances of the county where the applicant resides
6 or intends to operate a motor vehicle; provided that
7 the examination shall specifically test the
8 applicant's knowledge of the provisions of
9 section 291C-121.5 and section 291C-137; and
- 10 (4) The actual demonstration of ability to exercise
11 ordinary and reasonable control in the operation of a
12 motor vehicle.

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

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

18 The examiner of drivers may waive the actual demonstration
19 of ability to operate a motorcycle or motor scooter for any
20 person who furnishes evidence, to the satisfaction of the
21 examiner of drivers, that the person has completed the



1 motorcycle education course approved by the director in
2 accordance with section 431:10G-104.

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

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

9 SECTION 5. Section 286-111, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§286-111 Application for license, provisional license,**
12 **instruction permit, limited purpose driver's license, limited**
13 **purpose provisional driver's license, or limited purpose**
14 **instruction permit; fees.** (a) Every application for an
15 instruction permit, provisional license, driver's license,
16 limited purpose driver's license, limited purpose provisional
17 driver's license, or limited purpose instruction permit shall be
18 made upon a form furnished by the examiner of drivers and shall
19 be verified by the applicant before a person authorized to
20 administer oaths. The examiner of drivers and officers serving
21 under the examiner may administer the oaths without charge.



1 Each application for an instruction permit for a category (1),
2 (2), (3), or (4) license shall be accompanied by a fee to be
3 determined by the council of each county, and each application
4 for a provisional license or driver's license shall be
5 accompanied by the fee, unless the applicant has already paid
6 the fee upon application for an instruction permit in the same
7 county, in which event no fee shall be charged. An additional
8 fee to be determined by the council of each county shall be
9 charged and collected upon the issuance of a provisional license
10 or driver's license. All of the foregoing fees shall become
11 county realizations.

12 (b) The director shall establish by rule a standard fee
13 for all driver's license applicants who require verification
14 through the federal system that their presence in the United
15 States is authorized by federal law. The fees collected shall
16 become state realizations and be deposited into the state
17 highway fund. The State shall reimburse the counties all costs
18 of verification through the federal system. The amount of
19 reimbursement shall be determined by the director of
20 transportation.



1 (c) The director of transportation shall establish a fee
2 schedule for all commercial driver's licensing examinations.
3 The fees collected for a commercial driver's license shall
4 become state realizations and shall be deposited in the state
5 highway fund. The State shall reimburse the counties all costs
6 for administering the commercial driver's licensing program.
7 The amount of reimbursement shall be determined by the director
8 of transportation.

9 (d) Every application shall state the full name, date of
10 birth, gender designation, occupation, veteran status if
11 applicable (including veterans of the Korean conflict and
12 persons who served in the armed forces of the Republic of Korea,
13 who fought under the command of the United Nations led by the
14 United States, during the Korean conflict and are currently
15 United States citizens) and desired by the applicant, social
16 security number if the applicant is eligible for a social
17 security number, the residence address, and business address, if
18 any, of the applicant, shall briefly describe the applicant, and
19 shall state whether the applicant has theretofore been licensed
20 as a driver, and, if so, when and in what state or country, and
21 whether any such license has ever been suspended or revoked, or



1 whether an application has ever been refused, and if so, the
2 date of and reason for the suspension, revocation, or refusal.

3 The examiner of drivers shall not require documentation for
4 an applicant's selection of gender designation or an applicant's
5 request for an amendment to a gender designation other than the
6 applicant's self-certification of their chosen gender
7 designation; provided that the examiner of drivers shall not be
8 prohibited from requiring documentation that may incidentally
9 show an applicant's birth sex category if [~~such~~] the
10 documentation is necessary to establish that the applicant is
11 legally entitled to a license.

12 For [+]purposes[+] of this subsection, "gender designation"
13 shall have the same meaning as in section 286-109(a).

14 (e) Except as provided in section 286-104.5, if the
15 applicant is not eligible to receive a social security number,
16 the applicant shall submit, in lieu of providing proof of social
17 security number pursuant to subsection (d):

18 (1) A United States Social Security Administration letter
19 stating that the applicant is ineligible to obtain a
20 social security number; and

21 (2) Either:



1 (A) A government-issued photo identification
2 document; or

3 (B) Other identification documents as deemed
4 acceptable by the director.

5 (f) An application for a driver's license shall include
6 the voter registration application required under
7 section 11- ."

8 SECTION 6. Section 286-303, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§286-303 Application for identification card. (a)**
11 Application for the identification card shall be made in person
12 by any adult or minor. In the case of a minor under the age of
13 fourteen years, the application shall be made on the minor's
14 behalf by the parent, or by another individual in loco parentis
15 of the minor who can provide proof of guardianship. In the case
16 of an incompetent individual, the application shall be made by
17 the individual having the custody or control of or maintaining
18 the incompetent individual. A non-compliant identification card
19 shall be issued in accordance with section 286-301.5 for
20 applications not made in person.



1 (b) Application for renewal of an identification card
2 issued after November 1, 1998, for an individual eighty years of
3 age or older may be done by mailing in or electronically
4 submitting a completed application and fee, if there is no
5 change in name and citizenship status. The director shall adopt
6 rules to allow for renewal by mail or electronic methods for
7 individuals with physical or intellectual disabilities for whom
8 application in person presents a serious burden. For an
9 individual who has a letter from a licensed primary care
10 provider certifying that a severe disability causes the
11 individual to be homebound, the director shall adopt rules
12 allowing for application for renewal of an identification card
13 under this section by means other than in-person appearance. A
14 non-compliant identification card shall be issued in accordance
15 with section 286-301.5 for renewal applications not made in
16 person.

17 (c) Every application for an identification card or
18 duplicate of an identification card shall be made on a form
19 developed by the director and furnished by the examiner of
20 drivers, signed by the applicant, and signed by the applicant's



1 parent or guardian if the applicant is under eighteen years of
2 age. The application shall contain the following information:

- 3 (1) Name and complete address, including the number and
4 street name, of the applicant's permanent residence;
- 5 (2) The applicant's occupation and any pertinent data
6 relating thereto;
- 7 (3) The applicant's citizenship status;
- 8 (4) The applicant's veteran status if applicable and
9 desired by the applicant;
- 10 (5) The applicant's date and place of birth;
- 11 (6) General description of the applicant, including the
12 applicant's gender designation, height, weight, hair
13 color, and eye color;
- 14 (7) The applicant's left and right index fingerprints or,
15 if clear impressions cannot be obtained, other
16 identifying imprints as specified by rules of the
17 director;
- 18 (8) The social security number of the applicant; and
- 19 (9) A digitized frontal photograph of the applicant's full
20 face.



1 Each applicant shall present documentary evidence as required by
2 the examiner of drivers of the applicant's age and identity, and
3 the applicant shall swear or affirm that all information given
4 is true and correct; provided that an applicant shall not be
5 required to provide documentation to prove the applicant's
6 gender designation other than the applicant's self-certification
7 of their chosen gender designation; provided further that
8 documentation that may incidentally show an applicant's birth
9 gender may be required if necessary to establish that the
10 applicant is legally entitled to an identification card.

11 For purposes of this subsection, "gender designation" shall
12 have the same meaning as in section 286-109(a).

13 (d) The application also shall state whether the applicant
14 has an advance health-care directive. If the applicant has an
15 advance health-care directive, the identification card shall
16 bear the designation "AHCD".

17 (e) ~~[The examiner of drivers, in accordance with~~
18 ~~section 11-15, at the time of application, shall make available~~
19 ~~an application for voter registration to every applicant for an~~
20 ~~identification card who is eligible to register to vote.] An~~
21 application for an identification card from the examiner of



1 drivers shall include the voter registration application
2 required under section 11- .

3 (f) The examiner of drivers shall maintain a suitable,
4 indexed record of all applications.

5 (g) For the purpose of this section, "AHCD", which stands
6 for "advance health-care directive", means an individual
7 instruction in writing, a living will, or a durable power of
8 attorney for health care decisions."

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

11 "(a) All information and records acquired by the examiner
12 of drivers under this part shall be confidential[-]; provided
13 that the examiner may transmit voter registration information as
14 required under sections 11- , 286-A, 286-B, 286-111,
15 and 286-303. All information and records shall be maintained in
16 an appropriate form and in an appropriate office in the custody
17 and under the control of the examiner. The information shall be
18 available only to authorized individuals under [such]
19 restrictions as the director shall prescribe. The examiner may
20 dispose of any application or identification card, or
21 information or record relating to the application or



1 identification card, [~~which~~] that does not include a social
2 security number, without regard to chapter 94, whenever, in the
3 examiner's discretion, retention of the information or record is
4 no longer required or practicable."

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

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

13 SECTION 10. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 11. This Act shall take effect on July 1, 3021.



Report Title:

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

Description:

Makes an application for voter registration part of all state identification card or driver's license applications. Requires applicants to choose to be registered to vote or make changes to the applicant's voter registration information. Requires the sharing of certain information among the counties, department of transportation, election personnel, and online voter registration system. Effective 7/1/3021. (HD1)

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

