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# 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 and information about  
6 the residence address confidentiality program under section  
7 11-14.5, shall be a part of the application for issuance of an  
8 identification card under section 286-301 and the application  
9 for issuance of a driver's license under section 286-109. Each  
10 application for voter registration shall include a space to  
11 request a change of name or address.

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



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

12 The examiner of drivers shall not transmit any information  
13 necessary to register an applicant as a voter nor change any  
14 voter registration information, if the applicant affirmatively  
15 declines to be registered to vote. The examiner of drivers  
16 shall not transmit any information related to a voter  
17 application or changes to the applicant's voter registration  
18 information if the applicant presents a document demonstrating a  
19 lack of United States citizenship.

20 (c) Upon receipt of the completed voter registration  
21 application or changes to the applicant's voter registration



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

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



1 voter registration or election purposes, as determined by the  
2 director of transportation."

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

6 "§286-A Voter registration. (a) A qualified applicant  
7 for a new or renewed motor vehicle driver's license, provisional  
8 license, or instruction permit shall automatically be registered  
9 to vote with the clerk of the appropriate county upon completion  
10 of the license or permit application and the affidavit and  
11 application for voter registration, including information about  
12 the residence address confidentiality program under section  
13 11-14.5, as required in section 11- , unless the qualified  
14 applicant affirmatively declines, on the application form, to be  
15 registered to vote. The qualified applicant may request on the  
16 same form that a change be made to the qualified applicant's  
17 name or address in the case of existing voter registration  
18 information.

19 (b) Unless a qualified applicant affirmatively declines to  
20 be registered to vote, the submission of the affidavit and  
21 application for voter registration together with the license or



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

9 The examiner of drivers shall not transmit any information  
10 necessary to register a qualified applicant as a voter or make  
11 changes to the applicant's voter registration information if the  
12 qualified applicant affirmatively declines to be registered to  
13 vote. The examiner of drivers shall not transmit any  
14 information related to a voter application or changes to the  
15 applicant's voter registration information if the applicant  
16 presents a document demonstrating a lack of United States  
17 citizenship.

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



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

4 "§286-B Voter registration. (a) A qualified applicant  
5 for a new, renewal, or duplicate identification card shall  
6 automatically be registered to vote with the clerk of the  
7 appropriate county upon completion of an application for  
8 identification card and the affidavit and application for voter  
9 registration, including information about the residence address  
10 confidentiality program under section 11-14.5, as required by  
11 section 11- , unless the qualified applicant affirmatively  
12 declines, on the application form, to be registered to vote.  
13 The qualified applicant may request on the same form that a  
14 change be made to the qualified applicant's name or address in  
15 the case of existing voter registration information.

16 (b) Unless a qualified applicant affirmatively declines to  
17 be registered to vote, the submission of the affidavit and  
18 application for voter registration together with the application  
19 for the identification card shall be deemed to authorize the  
20 examiner of drivers to collect and transmit the information  
21 necessary to register the qualified applicant as a voter or make



1 changes to the applicant's voter registration information, and  
2 the examiner of drivers shall electronically transmit the  
3 necessary information to the clerk of the county in which the  
4 applicant resides, election officials, and the online voter  
5 registration system pursuant to section 11- (d).

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

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

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

20 "(a) Except as provided in section 286-107.5(a), the  
21 examiner of drivers shall examine every applicant for a driver's



1 license, except as otherwise provided in this part. The  
2 examination shall include a test of:

- 3 (1) The applicant's eyesight and any further physical  
4 examination that the examiner of drivers finds  
5 necessary to determine the applicant's fitness to  
6 operate a motor vehicle safely upon the highways;
- 7 (2) The applicant's ability to understand highway signs  
8 regulating, warning, and directing traffic;
- 9 (3) The applicant's knowledge of the rules of the road  
10 based on the traffic laws of the State and the traffic  
11 ordinances of the county where the applicant resides  
12 or intends to operate a motor vehicle; provided that  
13 the examination shall specifically test the  
14 applicant's knowledge of the provisions of section  
15 291C-121.5 and section 291C-137; and
- 16 (4) The actual demonstration of ability to exercise  
17 ordinary and reasonable control in the operation of a  
18 motor vehicle.

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



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

3 The examiner of drivers may waive the actual demonstration  
4 of ability to operate a motorcycle or motor scooter for any  
5 person who furnishes evidence, to the satisfaction of the  
6 examiner of drivers, that the person has completed the  
7 motorcycle education course approved by the director in  
8 accordance with section 431:10G-104.

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

12 For the purposes of this section, the term "applicant" does  
13 not include any person reactivating a license under section  
14 286-107.5(a)."

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

17 **"§286-109 General provision governing the issuance of**  
18 **licenses.** (a) Upon payment of the required fee and upon  
19 demonstrating the ability to operate a certain category or  
20 categories of motor vehicles to the satisfaction of the examiner  
21 of drivers, an applicant for a driver's license shall be issued



1 a single license of a design approved by the director of  
2 transportation upon which is made a notation of:

- 3 (1) The person's full legal name, date of birth, gender  
4 designation, residence address, and license number;
- 5 (2) The category or categories of motor vehicles the  
6 applicant may operate;
- 7 (3) Any restrictive provisions to which the license is  
8 subject;
- 9 (4) Veteran status, if desired by the applicant; provided  
10 that the notation shall be on the front of the license  
11 and shall not include any designation other than the  
12 term "veteran"; and
- 13 (5) When the license is issued to a person under twenty-  
14 one years of age, a statement, in clearly legible  
15 print that shall contrast with the other information  
16 appearing on the license, which indicates the date on  
17 which the person will attain the age of twenty-one  
18 years.

19 As used in this subsection:

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



1 "Veteran" means any person who served in any of the  
2 uniformed services of the United States, including veterans of  
3 the Korean conflict and persons who served in the armed forces  
4 of the Republic of Korea, who fought under the command of the  
5 United Nations led by the United States, during the Korean  
6 conflict and are currently United States citizens, and was  
7 discharged under conditions other than dishonorable.

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

11 (c) Statutes of limitations and other provisions of this  
12 chapter notwithstanding, no driver's license or instruction  
13 permit shall be issued or renewed under this section, where the  
14 examiner of drivers is notified by the district judge, traffic  
15 violations bureaus of the district courts, or the judge of the  
16 circuit court that the applicant has failed to respond to a  
17 traffic citation or summons, or failed to appear in court after  
18 an arrest for the violation of any traffic laws of a county,  
19 this chapter or chapter 286G, 287, 290, 291, or 291C, or of any  
20 motor vehicle insurance laws under article 10C of chapter 431,  
21 or of any motorcycle or motor scooter insurance laws under



1 article 10G of chapter 431, and the same remains delinquent and  
2 outstanding, or the applicant, has as of the time of the  
3 application, failed to comply in full with all orders of the  
4 court; provided that the district court with whose order an  
5 applicant has failed to comply in full, may approve the issuance  
6 or renewal of a driver's license or instruction permit other  
7 than a commercial driver's license upon conditions imposed by  
8 the court for the satisfaction of the outstanding court order  
9 and any other conditions as may be imposed by the court, if one  
10 or more of the following conditions are met:

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

14 (2) The applicant has no access to alternative  
15 transportation and therefore must drive to work;

16 provided further that if the applicant has failed to comply in  
17 full with orders of the district court of more than one circuit,  
18 the applicant shall obtain the approval of the district court of  
19 each circuit in which the applicant has an outstanding court  
20 order before a driver's license or instruction permit may be  
21 issued or renewed under this subsection.



1           A driver's license or instruction permit issued or renewed  
2 under this subsection shall be subject to immediate suspension  
3 by the court upon the applicant's failure to remain in full  
4 compliance with all conditions imposed by the court for the  
5 issuance or renewal of the driver's license or instruction  
6 permit. The examiner of drivers may place an indication of  
7 restriction upon a driver's license or instruction permit issued  
8 or renewed under this subsection. Proof of financial  
9 responsibility under section 287-20 shall not apply to the  
10 issuance or renewal of driver's licenses or instruction permits  
11 under this subsection.

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

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

17           "~~§~~286-301~~§~~ Issuance of identification card or  
18 temporary card. (a) To obtain an identification card from the  
19 examiner of drivers, an individual shall complete an application  
20 pursuant to section 286-303.



1 (b) The examiner of drivers, upon receipt of the  
2 application by any individual who is a resident or a temporary  
3 resident of this State, shall issue an identification card to  
4 that individual upon receipt of any appropriate fee established  
5 pursuant to section 286-309.

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

9 (d) The issuance of an identification card pursuant to  
10 this section shall not place upon the State of Hawaii or any  
11 agency any liability for the misuse or the acceptance of the  
12 identification card as valid identification, which shall be left  
13 entirely to the discretion of any individual to whom such card  
14 is presented.

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

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

20 "(a) All information and records acquired by the examiner  
21 of drivers under this part shall be confidential[-]; provided



1 that the examiner may transmit voter registration information as  
2 required under sections 286-A, 286-B, 286-109, and 286-301. All  
3 information and records shall be maintained in an appropriate  
4 form and in an appropriate office in the custody and under the  
5 control of the examiner. The information shall be available  
6 only to authorized individuals under such restrictions as the  
7 director shall prescribe. The examiner may dispose of any  
8 application or identification card, or information or record  
9 relating to the application or identification card, which does  
10 not include a social security number, without regard to  
11 chapter 94, whenever, in the examiner's discretion, retention of  
12 the information or record is no longer required or practicable."

13 SECTION 8. The examiner of drivers in each county shall  
14 cooperate with the office of elections to develop such forms,  
15 applications, and affidavits necessary to effectuate the  
16 purposes of this Act.

17 SECTION 9. In codifying the new sections added by sections  
18 2 and 3 of this Act, the revisor of statutes shall substitute  
19 appropriate section numbers for the letters used in designating  
20 the new sections in this Act.



1           SECTION 10. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.  
3           SECTION 11. This Act shall take effect upon its approval.



**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. Prohibits the Examiner of Drivers from transmitting information if the applicant presents a document demonstrating a lack of United States Citizenship. 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. (SD1)

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