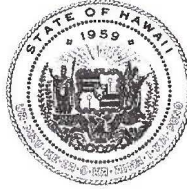


HB 1652, HD1

RE: RELATING TO VOTER
REGISTRATION

TESTIMONY



Testimony by:
FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 22, 2016
9:30 AM
State Capitol, Room 016

**H.B. 1652, H.D. 1
RELATING TO VOTER REGISTRATION**

Senate Committee(s) on Transportation and Energy & Judiciary and Labor

The Department of Transportation (DOT) is submitting **comments** because there are serious concerns as it relates to this bill. In general, additional time and funding will be needed to comply with the requirements of this measure should it be passed.

The bill allows the “election officials and the statewide voter registration system” to have electronic access to the “databases maintained or operated by the counties or Department of Transportation containing driver’s license (DL) and civil identification card (CID) information, including documents and images.” If the intent of this bill is to provide unlimited access to databases containing personal information and documents, DOT must oppose this as such unlimited access could be considered a violation of the Federal Driver Privacy Protection Act (18 U.S.C. Sec. 2721, et seq.).

Not all present driver license holders and civil identification card holders within these databases have given their consent to be registered to vote and therefore, would feel that their right to privacy has been infringed upon by the release of their personal data.

If it is determined that access can be legally permitted for specific personally identifiable information (PII) of DL and CID applicants and this bill is passed, time will be needed to allow the City and County of Honolulu’s Department of Information Technology (DIT) to collaborate with the Office of Elections’ Information Technology department to ensure the security and protection of PII stored in DIT’s database and the PII that will be transmitted to the Office of Elections.

There will be a need for program modification of DIT’s application programs and database to accommodate the additional data requirements and to accomplish “real time” transmittance of data from that database to the Office of Elections. To accomplish such an effort would require funding, time and resources for DIT personnel or a contractor/vendor.

DOT is responsible for the driver's license and civil identification card application forms. Because this bill requires modifications relating to voter registration, it would be helpful if the Chief Elections Officer or its designee collaborates with DOT with the application modifications needed to comply with the requirements of the bill, if passed.

Clerks that process the driver's license and civil identification card applications will be required to take on additional responsibilities. The additional responsibilities related to the voter application will increase the overall processing time of each driver's license and civil identification card transaction.

Thank you for the opportunity to provide testimony.



**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
elections.hawaii.gov

SCOTT T. NAGO
CHIEF ELECTION OFFICER

TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
AND
THE SENATE COMMITTEE ON TRANSPORTATION AND ENERGY
ON HOUSE BILL NO. 1652, HD 1
RELATING TO VOTER REGISTRATION

March 22, 2016

Chair Keith-Agaran and Chair Inouye and members of the Senate Committee on Judiciary and Labor and the Senate Committee on Transportation and Energy, thank you for the opportunity to testify in support of House Bill No. 1652, HD 1. The purpose of this bill is to require an applicant for a driver's license or civil identification card to choose to register to vote or not before their application is processed.

The Office of Elections believes that this bill will increase voter registration as it requires the applicant to directly address the question of whether they wish to be automatically registered to vote or to opt out as part of the driver's license and state identification card application process.

Additionally, this bill ensures the accuracy of the voter registration rolls by electronically transmitting voter registration data between the driver licensing/state identification card database and the statewide voter registration system. This includes the ability to update the voter file based on updates to the driver's license/state identification card file, such as name or address change. The electronic sharing of data between driver licensing officials and election officials will help to ensure timely compliance with the National Voter Registration

Act and the Help America Vote Act. 52 USC § 21083(a)(5)(B) & 52 USC § 20504.

As a housekeeping matter, we would note that paragraph (c) of proposed HRS 11-A should include, as part of the information provided by the examiner of drivers, the applicant's social security number. An applicant's social security number is a required part of a voter registration application under HRS § 11-15(a).

We would note that previous testimony noted concerns over the legality of accessing necessary information to register voters. However, our reading of the federal Driver Protection and Privacy Act (DPPA) is that data may be released for a variety of reasons, including "[f]or use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions." 18 USC § 2721(b)(1). The administration of voter registration by state and county election officials falls within this exception, in the same way that other jurisdictions utilize the driver's license file for purposes of automatic voter registration and ensuring the accuracy of the voter registration rolls.

Thank you for the opportunity to testify in support of House Bill No. 1652, HD 1.

STEWART MAEDA
County Clerk



JON HENRICK
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

Elections Division
County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720

TESTIMONY OF STEWART MAEDA
COUNTY CLERK, COUNTY OF HAWAI'I
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
AND
THE SENATE COMMITTEE ON TRANSPORTATION AND ENERGY
ON HOUSE BILL NO. 1652, HD 1
RELATING TO VOTER REGISTRATION
March 22, 2016

Chair Keith-Agaran and Chair Inouye, and Committee Members:

Thank you for the opportunity to testify in support of House Bill No. 1652, HD 1. The purpose of this bill would require an affidavit for voter registration to be included on the application for a driver's license or civil identification card. The Bill also proposes requiring an applicant for a driver's license or civil identification card to choose to register to vote or not before the application is processed.

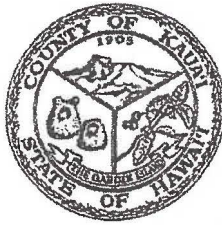
The Bill would make the voter registration process more convenient by allowing voters the opportunity to update their voter registration information. Additionally, this would provide another means for the County Clerk's Offices to maintain the accuracy of the voter registration rolls.

Currently, driver's licensing officials transmits hardcopy documents to election officials. This Bill would allow for the transmitting of voter registration data between the driver licensing officials and the statewide voter registration system. The electronic transferring of information will greatly improve the processing of voter registration affidavits.

Thank you for the opportunity to provide testimony in support of House Bill No. 1652, HD 1.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

Telephone: (808) 241-4800
TTY: (808) 241-5116



SCOTT K. SATO
Deputy County Clerk

Facsimile: (808) 241-6207
E-mail: elections@kauai.gov

**ELECTIONS DIVISION
OFFICE OF THE COUNTY CLERK**

4386 RICE STREET, SUITE 101
LĪHU'E, KAUA'I, HAWAI'I 96766-1819

**TESTIMONY OF JADE K. FOUNTAIN-TANIGAWA
COUNTY CLERK, COUNTY OF KAUAI'I
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
AND
SENATE COMMITTEE ON TRANSPORTATION AND ENERGY
ON HOUSE BILL NO. 1652, HD 1
RELATING TO VOTER REGISTRATION**

March 22, 2016

Chair Keith-Agaran and Chair Inouye, and Committee Members:

Thank you for the opportunity to provide written testimony in support of House Bill No. 1652, HD 1. This Bill proposes to require an affidavit to be included on the application for voter registration as part of an application for a driver's license and/or civil identification cards. The Bill also proposes to prevent the processing of applications for a driver's license and/or civil identification cards unless the voter affidavit is either completed or is declined.

In addition to making the voter registration process more convenient, the Bill will increase the opportunities for voters to update information in their registration records and help to keep the voter rolls updated.

The Bill would also modernize and greatly improve the process for transferring voter registration and permanent absentee ballot information from the examiner of drivers to the office of elections by transmitting the information electronically rather than the present process of transferring hardcopy paper documents.

Thank you for this opportunity to provide testimony in support of House Bill No. 1652, HD 1.

JADE K. FOUNTAIN-TANIGAWA
County Clerk, County of Kaua'i



Senate Judiciary + Labor Committee
Chair Gil Keith-Agaran, Vice Chair Maile Shimabukuro

Senate Transportation + Energy Committee
Chair Lorraine Inouye, Vice Chair Mike Gabbard

Tuesday, 03/22/2016 at 9:30AM in Room 016
HB 1652 HD1 – Relating to Voting

TESTIMONY

Carmille Lim, Executive Director, Common Cause Hawaii

Dear Chair Keith-Agaran, Vice Chair Shimabukuro, Chair Inouye, Vice Chair Gabbard, and members of the Committees:

Common Cause Hawaii supports HB 1652 HD1, which would require an affidavit on application for voter registration to be included as part of the application for driver's licenses and civil identification cards.

Thank you for the opportunity to offer testimony on HB 1652 HD1.



49 South Hotel Street, Room 314 | Honolulu, HI 96813
www.lwv-hawaii.com | 808.531.7448 | voters@lwv-hawaii.com

COMMITTEE ON JUDICIARY AND LABOR
COMMITTEE ON TRANSPORTATION AND ENERGY

Tuesday, March 22, 2016, 9:30 a.m., Room 016
HB 1652, HD1 RELATING TO VOTER REGISTRATON

TESTIMONY

Janet Mason, Legislative Co-Chair, League of Women Voters of Hawaii

Chairs Keith-Agaran and Inouye, Vice-Chairs Shimabukuro and Gabbard and Committee Members:

The League of Women Voters of Hawaii supports HB 1652, HD1 which requires an affidavit for voter registration when a person applies for a driver's license or civil identification card. The bill would require that applications for a driver's license or civil identification card could not be processed unless the voter registration affidavit is completed or declined.

Requiring an actual affidavit is more important than it may appear, because without it, there could be missing information needed by county Clerks who determine whether a person is eligible to vote. The League heartily endorses so-called "automatic" voter registration through driver's license and state identification card processes, but having the actual affidavit helps ensures prompt processing of the application to register to vote as well as the integrity of our voter registration rolls. Likewise, the National Voter Registration Act requires that the voter either decline to vote or provide an application to register to vote, so accepting or declining the registration opportunity is essential.

Our understanding is that there is no conflict between the privacy provisions of the federal Driver Protection and Privacy Act and the privacy provisions of the federal Help America Vote Act, making it permissible to share driver's license and civil identification data for voter registration purposes. However, this is an important legal question, and we defer to counsel in the Attorney General's office to provide a legal opinion.

As we previously testified on HB 401, HD2 an appropriation may be required for the Department of Transportation to accomplish automatic voter registration. We do support "real time" transmission of driver's license and civil identification data from the custodian of these database to election officials; taking any other approach is inefficient, and could lead to timing problems in determining whether a person is



49 South Hotel Street, Room 314 | Honolulu, HI 96813
www.lwv-hawaii.com | 808.531.7448 | voters@lwv-hawaii.com

eligible to vote. We point out that the City and County of Honolulu is already experienced in collaborating with State and County elections officials in such data management, so we expect the excellent cooperation they have established would continue under this measure. We sincerely hope the State Department of Transportation will join this existing partnership for the benefit of Hawaii's voters.

We urge you to pass this bill. Thank you for the opportunity to submit testimony.



HB1652 HD1
RELATING TO VOTER REGISTRATION
Senate Committee on Transportation and Energy
Senate Committee on Judiciary and Labor

March 22, 2016

9:30 a.m.

Room 016

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB1652 HD1, which would reduce barriers to voting and potentially increase voter participation, by requiring applicants for a driver's license or state-issued identification card to either register to vote, or affirmatively decline to do so.

It is well known that Hawai'i has historically suffered from low voter turnout. Hawai'i consistently ranks lower than the national average for voter participation among those eligible to vote in the presidential election.¹ In response to historical data also reflecting the underrepresentation of Native Hawaiians in particular in the polls, during the past two election seasons OHA has implemented the "Hawaiian Voice, Hawaiian Vote: I Mana Ka Leo" campaign to increase Native Hawaiian voter registration, education, and turnout. **In line with our efforts, OHA generally supports the reduction of barriers to the complex system of voter registration, voter education, and election day polls.**

Hawai'i's electorate will likely grow if citizens are required to affirmatively decide whether or not to register to vote, when submitting a driver's license or state-issued identification card application. Accordingly, OHA supports this measure as consistent with its past and ongoing efforts to increase voter turnout. OHA does recognize that consistency with federal law is of paramount importance and the logistics of implementation can be complex and costly; on these matters, we defer to the Attorney General's Office, Office of Elections, and County Clerks' offices.

Therefore, OHA urges the Committees to **PASS** HB1652 HD1. Mahalo for the opportunity to testify on this measure.

¹ Editorial Board, *The Worst Voter Turnout in 72 Years*, THE NEW YORK TIMES, Nov. 11, 2014, available at <http://www.nytimes.com/2014/11/12/opinion/the-worst-voter-turnout-in-72-years.html>.