

JAN 20 2017

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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 voter registration; opt-out. (a) Any  
5 person who is eligible to vote under this part and properly  
6 completes and submits an application for a new or renewed motor  
7 vehicle driver's license, provisional license, instruction  
8 permit, limited purpose driver's license, limited purpose  
9 provisional driver's license, limited purpose instruction  
10 permit, or identification card shall automatically be registered  
11 to vote as provided in subsection (d).

12           (b) The examiner of drivers of each county shall use  
13 application forms for an original, duplicate, or change of  
14 address driver's license, provisional license, instruction  
15 permit, limited purpose driver's license, limited purpose  
16 provisional driver's license, limited purpose instruction  
17 permit, or identification card as voter registration



1 applications. The forms shall contain spaces for all  
2 information required by section 11-15. Within five calendar  
3 days of collection, the examiner of drivers of each county shall  
4 electronically transmit the voter registration information to  
5 the respective county clerk.

6 (c) The clerk shall determine whether the applicant is  
7 currently registered in the general county register. If the  
8 applicant is not currently registered, the clerk shall determine  
9 whether the applicant is eighteen years of age or older and a  
10 citizen of the United States. If the applicant is less than  
11 eighteen years of age, the clerk shall defer the applicant until  
12 the applicant reaches eighteen years of age to determine whether  
13 the applicant is eligible to vote.

14 (d) Upon determination that the applicant is eligible to  
15 vote and not currently registered, the clerk shall provide  
16 written notification to the applicant of the process to opt-out  
17 of the automatic voter registration; provided that if the  
18 applicant does not opt-out of registration within twenty-one  
19 calendar days the clerk shall assign a transaction number to the  
20 registration in a manner that is substantially similar to the  
21 numbering of affidavits as required by section 11-15(c) and



1 register the name of the voter in the general county register as  
2 provided in section 11-14."

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 Automatic voter registration; driver licensing;  
7 opt-out. (a) The examiner of drivers of each county shall  
8 electronically transmit information that is required by section  
9 11-15 to the clerk of the county in which the applicant resides  
10 for all qualified applicants who properly complete and submit an  
11 application for a new or renewed motor vehicle driver's license,  
12 provisional license, instruction permit, limited purpose  
13 driver's license, limited purpose provisional driver's license,  
14 or limited purpose instruction permit.

15 (b) The clerk of the county in which the qualified  
16 applicant resides shall provide written notification to the  
17 applicant of the process to opt-out of the automatic voter  
18 registration; provided that upon receipt of notification from  
19 the respective clerk the qualified applicant shall have twenty-  
20 one calendar days to opt-out of automatic voter registration  
21 pursuant to section 11- (d).



1           (c) For the purposes of this section, "qualified  
2 applicant" means a person who qualifies to register as a voter  
3 pursuant to section 11-15."

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

7           "§286-B Automatic voter registration; identification card;

8 opt-out. (a) The examiner of drivers of each county shall  
9 electronically transmit information that is required by section  
10 11-15 to the clerk of the county in which the applicant resides  
11 for all qualified applicants who properly complete and submit an  
12 application for an identification card pursuant to section  
13 286-303.

14           (b) The clerk of the county in which the qualified  
15 applicant resides shall provide written notification to the  
16 applicant of the process to opt-out of the automatic voter  
17 registration; provided that upon receipt of notification from  
18 the respective clerk the qualified applicant shall have twenty-  
19 one calendar days to opt-out of automatic voter registration  
20 pursuant to section 11- (d).



1           (c) For the purposes of this section, "qualified  
2 applicant" means a person who qualifies to register as a voter  
3 pursuant to section 11-15."

4           SECTION 4. Section 11-15, Hawaii Revised Statutes, is  
5 amended by amending subsection (c) to read as follows:

6           "(c) The applicant shall then affix the applicant's  
7 signature to the affidavit. In the case where an applicant is  
8 unable to write for the reason of illiteracy, blindness, or  
9 other physical disability, the applicant's mark shall be  
10 witnessed by another person who shall sign the affidavit in the  
11 space provided. A voter having once been registered shall not  
12 be required to register again for any succeeding election,  
13 except as provided in this chapter. Affidavits approved by the  
14 clerk shall thereupon be numbered appropriately, filed by the  
15 clerk, and kept available for election or government purposes in  
16 accordance with procedures established by section 11-97.  
17 Approved voter registration transactions conducted through the  
18 online voter registration system established pursuant to section  
19 11-15.3 and automatic voter registration established pursuant to  
20 section 11-\_\_\_\_\_ shall be assigned a transaction number in a



1 manner that is substantially similar to the numbering of  
2 affidavits."

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

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

- 9 (1) The applicant's eyesight and any further physical  
10 examination that the examiner of drivers finds  
11 necessary to determine the applicant's fitness to  
12 operate a motor vehicle safely upon the highways;
- 13 (2) The applicant's ability to understand highway signs  
14 regulating, warning, and directing traffic;
- 15 (3) The applicant's knowledge of the rules of the road  
16 based on the traffic laws of the State and the traffic  
17 ordinances of the county where the applicant resides  
18 or intends to operate a motor vehicle; provided that  
19 the examination shall specifically test the  
20 applicant's knowledge of the provisions of section  
21 291C-121.5 and section 291C-137; and



1           (4) The actual demonstration of ability to exercise  
2           ordinary and reasonable control in the operation of a  
3           motor vehicle.

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

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

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

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

18           For the purposes of this section, the term "applicant" does  
19 not include any person reactivating a license under section  
20 286-107.5(a)."



1 SECTION 6. Section 286-111, Hawaii Revised Statutes, is  
2 amended by amending subsection (d) to read as follows:

3 "(d) Every application shall state the full name, date of  
4 birth, sex, occupation, veteran status if applicable (including  
5 veterans of the Korean conflict and persons who served in the  
6 armed forces of the Republic of Korea, who fought under the  
7 command of the United Nations led by the United States, during  
8 the Korean conflict and are currently United States citizens)  
9 and desired by the applicant, social security number if the  
10 applicant is eligible for a social security number, the  
11 residence address, and business address, if any, of the  
12 applicant, any information required for an application to  
13 register to vote pursuant to section 11-15, shall briefly  
14 describe the applicant, and shall state whether the applicant  
15 has theretofore been licensed as a driver, and, if so, when and  
16 in what state or country, and whether any such license has ever  
17 been suspended or revoked, or whether an application has ever  
18 been refused, and if so, the date of and reason for the  
19 suspension, revocation, or refusal."

20 SECTION 7. Section 286-303, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "§286-303   **Application for identification card.**   (a)

2   Application for the identification card shall be made in person  
3   by any adult or minor.   The minimum age for minors to obtain an  
4   identification card shall be ten years of age.   In the case of a  
5   minor under the age of fourteen years, the application shall be  
6   made on the minor's behalf by the parent, or by another  
7   individual in loco parentis of the minor who can provide proof  
8   of guardianship.   In the case of an incompetent individual, the  
9   application shall be made by the individual having the custody  
10   or control of or maintaining the incompetent individual.

11           (b)   Application for renewal of an identification card  
12   issued after November 1, 1998, for an individual eighty years of  
13   age or older may be done by mailing in a completed application  
14   and fee, if there is no change in name and citizenship status.  
15   The director shall adopt rules to allow for renewal by mail for  
16   individuals with physical or intellectual disabilities for whom  
17   application in person presents a serious burden.

18           (c)   Every application for an identification card or  
19   duplicate of an identification card shall be made on a form  
20   developed by the director and furnished by the examiner of  
21   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, height, weight, hair color, and  
13 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 [-]; and



1        (10) Any additional information required for an application  
2                    to register to vote pursuant to section 11-15.

3 Each applicant shall present documentary evidence as required by  
4 the examiner of drivers of the applicant's age and identity, and  
5 the applicant shall swear or affirm that all information given  
6 is true and correct.

7        (d) The application also shall state whether the applicant  
8 has an advance health-care directive. If the applicant has an  
9 advance health-care directive, the identification card shall  
10 bear the designation "AHCD".

11        [~~(e)~~] ~~The examiner of drivers, in accordance with section~~  
12 ~~11-15, at the time of application, shall make available an~~  
13 ~~application for voter registration to every applicant for an~~  
14 ~~identification card who is eligible to register to vote.~~

15        ~~(f)]~~ (e) The examiner of drivers shall maintain a  
16 suitable, indexed record of all applications.

17        [~~(g)]~~ (f) For the purpose of this section, "AHCD", which  
18 stands for "advance health-care directive", means an individual  
19 instruction in writing, a living will, or a durable power of  
20 attorney for health care decisions."



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

3 "(a) ~~[All]~~ Except as provided in sections 286-A and 286-B,  
4 information and records acquired by the examiner of drivers  
5 under this part shall be confidential. All information and  
6 records shall be maintained in an appropriate form and in an  
7 appropriate office in the custody and under the control of the  
8 examiner. The information shall be available only to authorized  
9 individuals under such restrictions as the director shall  
10 prescribe. The examiner may dispose of any application or  
11 identification card, or information or record relating to the  
12 application or identification card, which does not include a  
13 social security number, without regard to chapter 94, whenever,  
14 in the examiner's discretion, retention of the information or  
15 record is no longer required or practicable."

16 SECTION 9. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$ or so  
18 much thereof as may be necessary for fiscal year 2017-2018 and  
19 the same sum or so much thereof as may be necessary for fiscal  
20 year 2018-2019 for the electronic transmission, receipt, and



1 processing of voter registration information pursuant to this  
2 Act.

3 The sums appropriated shall be expended by the department  
4 of transportation for the purposes of this Act.

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

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

11 SECTION 12. This Act shall take effect on January 1, 2018;  
12 provided that section 9 shall take effect on July 1, 2017.

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**Report Title:**

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

**Description:**

Beginning on January 1, 2018, requires that any person who is eligible to vote and applies for a new or renewed motor vehicle driver's license, provisional license, instruction permit, limited purpose driver's license, limited purpose provisional driver's license, limited purpose instruction permit, or identification card shall be automatically registered to vote if that person is not already registered to vote; provided that upon receipt of notification from the respective county clerk the applicant shall have twenty-one calendar days to opt-out of automatic voter registration. Makes an appropriation.

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

