

JAN 20 2017

A BILL FOR AN ACT

RELATING TO VOTING.

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

1 SECTION 1. The legislature finds that automatic voter
2 registration, also known as "motor voter", provides eligible
3 voters an opportunity to register to vote when applying for or
4 renewing a driver's license unless the eligible voter
5 affirmatively declines to be registered. As of May 2016, five
6 states have authorized automatic voter registration, including
7 California, Connecticut, Oregon, Vermont, and West Virginia.

8 Proponents believe that automatic voter registration
9 assists in removing barriers to registration for eligible
10 voters, which is the first step to voter participation. Voter
11 registration through a routine and necessary transaction, such
12 as driver's licensing, increases voter registration efficiency
13 and effectiveness and voter turnout.

14 The purpose of this Act is to establish an automatic voter
15 registration system to allow any person who is eligible to vote
16 but not already registered to vote and applies for a new or
17 renewed motor vehicle driver's license, provisional license, or



1 instruction permit, or a new, renewed, or duplicate
2 identification card to be automatically registered to vote
3 unless the applicant affirmatively declines to be registered to
4 vote.

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

8 "§11- Automatic registration. (a) Notwithstanding any
9 law to the contrary, an affidavit on an application for voter
10 registration shall be a part of the application associated with
11 the issuance of an identification card under section 286-301 and
12 a driver's license under section 286-109. Each application
13 shall include a space to request a permanent absentee ballot.

14 (b) Applications for an identification card or driver's
15 license shall not be processed until the applicant either
16 clearly indicates on the application that the applicant declines
17 to register to vote or completes the portion of the application
18 related to voter registration. Unless an applicant
19 affirmatively declines to be registered to vote, the submission
20 of the application shall be deemed to authorize the examiner of
21 drivers to collect and transmit the information necessary to



1 register the applicant as a voter, and the examiner of drivers
2 shall electronically transmit the necessary information to the
3 clerk of the county in which the applicant resides and election
4 officials and the statewide voter registration system pursuant
5 to subsection (d). The examiner of drivers shall not transmit
6 any information necessary to register an applicant as a voter if
7 that applicant affirmatively declines to be registered to vote.

8 (c) Upon receipt of the completed voter registration
9 application transmitted from the examiner of drivers, the clerk
10 shall review and either approve or reject the voter registration
11 application in accordance with this part; provided that approved
12 voter registration applications received from the examiner of
13 drivers pursuant to this section shall be treated as having a
14 valid signature for purposes of section 11-15(c) whether
15 transmitted electronically or by facsimile transmission. Upon
16 approval of the voter registration application, the clerk shall
17 proceed to number the application and register the name of the
18 voter in the general county register as provided in section
19 11-14.

20 (d) Databases maintained or operated by the counties or
21 the department of transportation containing driver's license or



identification card information, including any documents or images, shall be directly accessible and provided electronically to election officials and the statewide voter registration system to allow for the timely processing of voter applications, ensure the integrity of the voter registration polls, and for any other government purpose, as determined by the chief election officer.

(e) For purposes of this section, "applicant" means a person who is eligible to vote but is not registered to vote."

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

"§286-A Voter registration. (a) A qualified applicant for a new or renewed motor vehicle driver's license, provisional license, or instruction permit shall automatically be registered to vote with the clerk of the appropriate county upon completion of the license or permit application as required in section 11- unless the applicant affirmatively declines, on the application form, to be registered to vote.

(b) Unless an applicant affirmatively declines to be registered to vote, the submission of the application shall be



1 deemed to authorize the examiner of drivers to collect and
2 transmit the information necessary to register the applicant as
3 a voter, and the examiner of drivers shall electronically
4 transmit the necessary information to the clerk of the county in
5 which the applicant resides and election officials and the
6 statewide voter registration system pursuant to section
7 11- (d). The examiner of drivers shall not transmit any
8 information necessary to register an applicant as a voter if
9 that applicant affirmatively declines to vote.

10 (c) For the purposes of this section, "qualified
11 applicant" means a person who is eligible to vote but is not
12 registered to vote."

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

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



1 applicant affirmatively declines, on the application form, to be
2 registered to vote.

3 (b) Unless an applicant affirmatively declines to be
4 registered to vote, the submission of the application shall be
5 deemed to authorize the examiner of drivers to collect and
6 transmit the information necessary to register the applicant as
7 a voter, and the examiner of drivers shall electronically
8 transmit the necessary information to the clerk of the county in
9 which the applicant resides and election officials and the
10 statewide voter registration system pursuant to section
11 11- (d). The examiner of drivers shall not transmit any
12 information necessary to register an applicant as a voter if
13 that applicant affirmatively declines to vote.

14 (c) For the purposes of this section, "qualified
15 applicant" means a person who is eligible to vote but is not
16 registered to vote."

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

19 "(a) Except as provided in section 286-107.5(a), the
20 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 sections 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 6. 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 category or categories of motor vehicles the
4 applicant may operate;
- 5 (2) Any restrictive provisions to which the license is
6 subject;
- 7 (3) Veteran status, if desired by the applicant; provided
8 that the notation shall be on the front of the license
9 and shall not include any designation other than the
10 term "veteran"; and
- 11 (4) When the license is issued to a person under twenty-
12 one years of age, a statement, in clearly legible
13 print that shall contrast with the other information
14 appearing on the license, which indicates the date on
15 which the person will attain the age of twenty-one
16 years.

17 As used in this subsection, "veteran" means any person who
18 served in any of the uniformed services of the United States,
19 including veterans of the Korean conflict and persons who served
20 in the armed forces of the Republic of Korea, who fought under
21 the command of the United Nations led by the United States,



S.B. NO. 206

1 during the Korean conflict and are currently United States
2 citizens, and was discharged under conditions other than
3 dishonorable.

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

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



1 applicant has failed to comply in full, may approve the issuance
2 or renewal of a driver's license or instruction permit other
3 than a commercial driver's license upon conditions imposed by
4 the court for the satisfaction of the outstanding court order
5 and any other conditions as may be imposed by the court, if one
6 or more of the following conditions are met:

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

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

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

18 A driver's license or instruction permit issued or renewed
19 under this subsection shall be subject to immediate suspension
20 by the court upon the applicant's failure to remain in full
21 compliance with all conditions imposed by the court for the



1 issuance or renewal of the driver's license or instruction
2 permit. The examiner of drivers may place an indication of
3 restriction upon a driver's license or instruction permit issued
4 or renewed under this subsection. Proof of financial
5 responsibility under section 287-20 shall not apply to the
6 issuance or renewal of driver's licenses or instruction permits
7 under this subsection.

8 (d) An application for a driver's license shall include
9 the information required under section 11- ."

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

12 "[+]§286-301[+] Issuance of identification card or
13 temporary card. (a) To obtain an identification card from the
14 examiner of drivers, an individual shall complete an application
15 pursuant to section 286-303.

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



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

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

10 (e) An application for an identification card from the
11 examiner of drivers shall include the information required under
12 section 11- ."

13 SECTION 8. Section 286-311, Hawaii Revised Statutes, is
14 amended by amending its title and subsection (a) to read as
15 follows:

16 "[~~§~~286-311~~]~~ Custody and use of records; confidential
17 information. (a) [~~All~~] Except for purposes of sections 286-A,
18 286-B, 286-109, and 286-301, information and records acquired by
19 the examiner of drivers under this part shall be confidential.
20 All information and records shall be maintained in an
21 appropriate form and in an appropriate office in the custody and



S.B. NO. 206

1 under the control of the examiner. The information shall be
 2 available only to authorized individuals under such restrictions
 3 as the director shall prescribe. The examiner may dispose of
 4 any application or identification card, or information or record
 5 relating to the application or identification card, which does
 6 not include a social security number, without regard to chapter
 7 94, whenever, in the examiner's discretion, retention of the
 8 information or record is no longer required or practicable."

9 SECTION 9. In codifying the new sections added by sections
 10 3 and 4 of this Act, the revisor of statutes shall substitute
 11 appropriate section numbers for the letters used in designating
 12 the new sections in this 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 upon its approval.

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S.B. NO. 206

Report Title:

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

Description:

Requires that any person who is eligible to vote but is not already registered to vote and applies for a new or renewed motor vehicle driver's license, provisional license, or instruction permit, or a new, renewed, or duplicate identification card be automatically registered to vote unless the applicant affirmatively declines to be registered to vote. Authorizes access to and electronic transmission of databases maintained or operated by the counties or the department of transportation containing driver's license or identification card information to election officials and the statewide 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.

