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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 clerk of the county in which the applicant resides, election  
6 officials, and the statewide voter registration system pursuant  
7 to subsection (e); provided that the examiner of drivers shall  
8 not transmit any information necessary to register an applicant  
9 as a voter if that applicant affirmatively declines to be  
10 registered to vote.

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

19 (d) Upon determination that the applicant is eligible to  
20 vote and not currently registered, the clerk shall provide  
21 written notification to the applicant of the process to opt-out



1 of the automatic voter registration; provided that if the  
2 applicant does not opt-out of registration within twenty-one  
3 calendar days the clerk shall assign a transaction number to the  
4 registration in a manner that is substantially similar to the  
5 numbering of affidavits as required by section 11-15(c) and  
6 register the name of the voter in the general county register as  
7 provided in section 11-14.

8 (e) Databases maintained or operated by the counties or  
9 the department of transportation containing driver's license,  
10 provisional license, instruction permit, or identification card  
11 information, including any documents or images, shall be  
12 directly accessible and provided electronically to election  
13 officials and the statewide voter registration system to allow  
14 for the timely processing of voter registration applications,  
15 ensure the integrity of the voter registration rolls, and for  
16 any other government purpose, as determined by the director of  
17 transportation, and upon request by the chief election officer  
18 to the director of transportation for the electronic  
19 transmission of the information; provided that the chief  
20 election officer shall establish and implement an information  
21 privacy policy that:



- 1        (1) Specifies each class of internal users who shall have  
2                    authorized access to the statewide voter registration  
3                    system, specifies for each class the permissions and  
4                    levels of access to be granted, and sets forth other  
5                    safeguards to protect the privacy of the information  
6                    on the statewide voter registration system;
- 7        (2) Prohibits any disclosure or transmission of any  
8                    information not necessary to voter registration,  
9                    including credit card information received in the  
10                   course of the underlying transaction with the examiner  
11                   of drivers of each county;
- 12       (3) Protects against public disclosure of full or partial  
13                   social security numbers, driver's license numbers, and  
14                   signatures;
- 15       (4) Prohibits public disclosure of an individual's  
16                   decision not to register to vote;
- 17       (5) Prohibits the examiner of drivers of each county from  
18                   transmitting to county clerks information other than  
19                   that required for voter registration or specified  
20                   information relevant to the administration of  
21                   elections;



- 1        (6) Prohibits agencies from sharing individuals'
- 2            citizenship status or information regarding country of
- 3            origin with any federal agency; and
- 4        (7) Prohibits the disclosure of information relating to
- 5            persons eligible for confidentiality of record
- 6            information pursuant to section 11-14.5 and informs
- 7            individuals of the confidentiality protections
- 8            available under section 11-14.5."

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

12            **"§286-A Automatic voter registration; driver licensing;**  
 13 **opt-out.** (a) The examiner of drivers of each county shall  
 14 electronically transmit information that is required by section  
 15 11-15 to the clerk of the county in which the applicant resides  
 16 for all qualified applicants who properly complete and submit an  
 17 application for a new or renewed motor vehicle driver's license,  
 18 provisional license, instruction permit, limited purpose  
 19 driver's license, limited purpose provisional driver's license,  
 20 or limited purpose instruction permit.



1        (b) The clerk of the county in which the qualified  
 2 applicant resides shall provide written notification to the  
 3 applicant of the process to opt-out of the automatic voter  
 4 registration; provided that upon receipt of notification from  
 5 the respective clerk the qualified applicant shall have twenty-  
 6 one calendar days to opt-out of automatic voter registration  
 7 pursuant to section 11- (d).

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

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

14        **§286-B Automatic voter registration; identification card;**  
 15 **opt-out.** (a) The examiner of drivers of each county shall  
 16 electronically transmit information that is required by section  
 17 11-15 to the clerk of the county in which the applicant resides  
 18 for all qualified applicants who properly complete and submit an  
 19 application for an identification card pursuant to section  
 20 286-303.



1       (b) The clerk of the county in which the qualified  
2 applicant resides shall provide written notification to the  
3 applicant of the process to opt-out of the automatic voter  
4 registration; provided that upon receipt of notification from  
5 the respective clerk the qualified applicant shall have twenty-  
6 one calendar days to opt-out of automatic voter registration  
7 pursuant to section 11- (d).

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

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

13       "(c) The applicant shall then affix the applicant's  
14 signature to the affidavit. In the case where an applicant is  
15 unable to write for the reason of illiteracy, blindness, or  
16 other physical disability, the applicant's mark shall be  
17 witnessed by another person who shall sign the affidavit in the  
18 space provided. A voter having once been registered shall not  
19 be required to register again for any succeeding election,  
20 except as provided in this chapter. Affidavits approved by the  
21 clerk shall thereupon be numbered appropriately, filed by the



1 clerk, and kept available for election or government purposes in  
2 accordance with procedures established by section 11-97.  
3 Approved voter registration transactions conducted through the  
4 online voter registration system established pursuant to section  
5 11-15.3 and automatic voter registration established pursuant to  
6 section 11- shall be assigned a transaction number in a manner  
7 that is substantially similar to the numbering of affidavits."

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

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

- 14 (1) The applicant's eyesight and any further physical  
15 examination that the examiner of drivers finds  
16 necessary to determine the applicant's fitness to  
17 operate a motor vehicle safely upon the highways;
- 18 (2) The applicant's ability to understand highway signs  
19 regulating, warning, and directing traffic;
- 20 (3) The applicant's knowledge of the rules of the road  
21 based on the traffic laws of the State and the traffic



1           ordinances of the county where the applicant resides  
2           or intends to operate a motor vehicle; provided that  
3           the examination shall specifically test the  
4           applicant's knowledge of the provisions of section  
5           291C-121.5 and section 291C-137; and

6           (4) The actual demonstration of ability to exercise  
7           ordinary and reasonable control in the operation of a  
8           motor vehicle.

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

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

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



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

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

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

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



1 in what state or country, and whether any such license has ever  
2 been suspended or revoked, or whether an application has ever  
3 been refused, and if so, the date of and reason for the  
4 suspension, revocation, or refusal."

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

7 "§286-303 Application for identification card. (a)

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

17 (b) Application for renewal of an identification card  
18 issued after November 1, 1998, for an individual eighty years of  
19 age or older may be done by mailing in a completed application  
20 and fee, if there is no change in name and citizenship status.  
21 The director shall adopt rules to allow for renewal by mail for



1 individuals with physical or intellectual disabilities for whom  
2 application in person presents a serious burden.

3 (c) Every application for an identification card or  
4 duplicate of an identification card shall be made on a form  
5 developed by the director and furnished by the examiner of  
6 drivers, signed by the applicant, and signed by the applicant's  
7 parent or guardian if the applicant is under eighteen years of  
8 age. The application shall contain the following information:

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



- 1 identifying imprints as specified by rules of the  
2 director;
- 3 (8) The social security number of the applicant; ~~and~~  
4 (9) A digitized frontal photograph of the applicant's full  
5 face[-]; and  
6 (10) Any additional information required for an application  
7 to register to vote pursuant to section 11-15.

8 Each applicant shall present documentary evidence as required by  
9 the examiner of drivers of the applicant's age and identity, and  
10 the applicant shall swear or affirm that all information given  
11 is true and correct.

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

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

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



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

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

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

20        SECTION 9. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$                    or so



1 much thereof as may be necessary for fiscal year 2018-2019 for  
2 the electronic transmission, receipt, and processing of voter  
3 registration information pursuant to this Act.

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

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

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

12 SECTION 12. This Act shall take effect on January 1, 2019;  
13 provided that section 9 shall take effect on July 1, 2018.

14



**Report Title:**

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

**Description:**

Beginning on January 1, 2019, 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. (SD1)

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

