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

11           (b) Applications for a driver's license or identification  
12 card shall not be processed until the applicant completes the  
13 portion of the application related to voter registration,  
14 including change of name or address, or clearly indicates that  
15 the applicant declines to be registered to vote or to update an  
16 existing record. Unless an applicant affirmatively declines to  
17 be registered to vote or to update an existing record, the



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1 submission of the application for a driver's license under  
2 section 286-109 and the application for an identification card  
3 under section 286-301 shall be deemed to authorize the examiner  
4 of drivers to collect and transmit the information necessary to  
5 register the applicant as a voter or to make changes to the  
6 applicant's voter registration information.

7 The examiner of drivers shall:

8 (1) Include an opportunity for the applicant to elect to  
9 participate in the address confidentiality program  
10 pursuant to chapter 801G;

11 (2) Electronically transmit the necessary information,  
12 including any election to participate in the address  
13 confidentiality program, to the clerk of the county in  
14 which the applicant resides, election officials, and  
15 the statewide voter registration system pursuant to  
16 subsection (d);

17 (3) Not transmit any information necessary to register an  
18 applicant as a voter or change any voter registration  
19 information, if the applicant affirmatively declined  
20 to be registered to vote or to update an existing  
21 record; and



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1       (4) Not transmit any information relating to an applicant  
2       pursuant to this section if the applicant presents, as  
3       part of the application for a driver's license or  
4       identification card, a document that demonstrates lack  
5       of United States citizenship. Any applicant for  
6       issuance or renewal of a driver's license or  
7       identification card who provides as identification a  
8       document that neither demonstrates United States  
9       citizenship nor a lack thereof shall be presented with  
10       an affidavit offering the applicant the opportunity to  
11       affirm United States citizenship, and the examiner of  
12       drivers shall not transmit any information relating to  
13       the applicant pursuant to this section without the  
14       completed affidavit.

15       (c) Upon receipt of the completed voter registration  
16       application transmitted from the examiner of drivers, the clerk  
17       shall review and either approve or reject the voter registration  
18       application in accordance with this part; provided that approved  
19       voter registration applications received from the examiner of  
20       drivers pursuant to this section shall be treated as having a  
21       valid signature for purposes of section 11-15(c), whether



1 transmitted electronically or by facsimile transmission. Upon  
2 approval of the voter registration application, including a  
3 change of voter registration information, the clerk shall  
4 proceed to number the application and register the name of the  
5 voter in the general county register as provided in section  
6 11-14, or make changes to the voter's existing voter  
7 registration information, as applicable.

8 (d) Databases maintained or operated by the counties or  
9 the department of transportation containing driver's license or  
10 identification card information, including any documents or  
11 images, shall be directly accessible and provided electronically  
12 to election officials and the statewide voter registration  
13 system to allow for the timely processing of voter applications,  
14 ensure the integrity of the voter registration polls, and for  
15 any other government purpose, as determined by the chief  
16 election officer.

17 (e) Unless a person who is ineligible to register to vote  
18 intentionally took voluntary action to register to vote while  
19 knowing that the person was not eligible to register, the  
20 transfer of the person's electronic record to a county clerk  
21 under this section does not constitute the completion of a voter



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1 registration form by a person who is ineligible to register to  
2 vote, and the person shall not be considered to have registered  
3 to vote or have made a false claim of United States citizenship.  
4 If the registration is processed by the clerk of the county in  
5 which the person resides, the registration shall be presumed to  
6 have been officially authorized by the State and the person  
7 shall not be subject to any penalty under the Hawaii Revised  
8 Statutes.

9       (f) If a person who is ineligible to vote becomes  
10 registered to vote pursuant to this section, or votes or  
11 attempts to vote in an election held after the effective date of  
12 the person's registration, the person shall not be guilty of  
13 voter fraud under section 19-3.5, unless the person  
14 intentionally took voluntary action to register to vote while  
15 knowing that the person was not eligible to register, or  
16 intentionally took voluntary action to vote while knowing that  
17 the person was not eligible to vote."

18       SECTION 2. Chapter 286, Hawaii Revised Statutes, is  
19 amended as follows:

20       1. By adding a new section to part VI to be appropriately  
21 designated and to read:



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1        "§286-A Voter registration. (a) A qualified applicant  
2 for a new or renewed motor vehicle driver's license, provisional  
3 license, or instruction permit shall automatically be registered  
4 to vote with the clerk of the appropriate county upon completion  
5 of the license or permit application, unless the applicant  
6 affirmatively declines, on the application form, to be  
7 registered to vote. The application shall also update the  
8 applicant's name or address in the case of existing voter  
9 registration information, unless the applicant declines to do  
10 so.

11        (b) Unless an applicant affirmatively declines to be  
12 registered to vote or to update an existing record, the  
13 submission of the affidavit and application for voter  
14 registration, together with the license or permit application,  
15 shall be deemed to authorize the examiner of drivers to collect  
16 and transmit the information necessary to register the applicant  
17 as a voter or to make changes to the applicant's voter  
18 registration information, including the applicant's election to  
19 participate in the address confidentiality program pursuant to  
20 chapter 801G.

21        The examiner of drivers shall:



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- 1       (1) Electronically transmit the necessary information to  
2       the clerk of the county in which the applicant  
3       resides, election officials, and the statewide voter  
4       registration system pursuant to section 11- (d);
- 5       (2) Not transmit any information necessary to register an  
6       applicant as a voter if the applicant affirmatively  
7       declined to be registered to vote or to update an  
8       existing record; and
- 9       (3) Not transmit any information relating to an applicant  
10       pursuant to this section if the applicant presents, as  
11       part of the license or permit application, a document  
12       that demonstrates lack of United States citizenship.  
13       Any applicant for issuance or renewal of a driver's  
14       license, provisional license, or instruction permit  
15       who provides as identification a document that neither  
16       demonstrates United States citizenship nor a lack  
17       thereof shall be presented with an affidavit offering  
18       the applicant the opportunity to affirm United States  
19       citizenship, and the examiner of drivers shall not  
20       transmit any information relating to the applicant



1           pursuant to this section without the completed  
2           affidavit.

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

6           2. By adding a new section to part XVI to be appropriately  
7 designated and to read:

8           "**§286-B Voter registration.** (a) A qualified applicant  
9 for a new, renewed, or duplicate identification card shall  
10 automatically be registered to vote with the clerk of the  
11 appropriate county upon completion of the identification card  
12 application, unless the applicant affirmatively declines, on the  
13 application form, to be registered to vote. The application  
14 shall also update the applicant's name or address in the case of  
15 existing voter registration information, unless the applicant  
16 declines to do so.

17           (b) Unless an applicant affirmatively declines to be  
18 registered to vote or to update an existing record, the  
19 submission of the affidavit and application for voter  
20 registration, together with the identification card application,  
21 shall be deemed to authorize the examiner of drivers to collect



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1 and transmit the information necessary to register the applicant  
2 as a voter or make changes to the applicant's voter registration  
3 information, including the applicant's election to participate  
4 in the address confidentiality program pursuant to chapter 801G.

5 The examiner of drivers shall:

- 6 (1) Electronically transmit the necessary information to  
7 the clerk of the county in which the applicant  
8 resides, election officials, and the statewide voter  
9 registration system pursuant to section 11- (d);
- 10 (2) Not transmit any information necessary to register an  
11 applicant as a voter if the applicant affirmatively  
12 declined to be registered to vote or to update an  
13 existing record; and
- 14 (3) Not transmit any information relating to an applicant  
15 pursuant to this section if the applicant presents, as  
16 part of the identification card application, a  
17 document that demonstrates lack of United States  
18 citizenship. Any applicant for issuance or renewal of  
19 an identification card who provides as identification  
20 a document that neither demonstrates United States  
21 citizenship nor a lack thereof shall be presented with



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1           an affidavit offering the applicant the opportunity to  
2           affirm United States citizenship, and the examiner of  
3           drivers shall not transmit any information relating to  
4           the applicant pursuant to this section without the  
5           completed affidavit.

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

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

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

15               (1) The applicant's eyesight and any further physical  
16               examination that the examiner of drivers finds  
17               necessary to determine the applicant's fitness to  
18               operate a motor vehicle safely upon the highways;

19               (2) The applicant's ability to understand highway signs  
20               regulating, warning, and directing traffic;



1           (3) The applicant's knowledge of the rules of the road  
2           based on the traffic laws of the State and the traffic  
3           ordinances of the county where the applicant resides  
4           or intends to operate a motor vehicle; provided that  
5           the examination shall specifically test the  
6           applicant's knowledge of the provisions of section  
7           291C-121.5 and section 291C-137; and

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

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

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

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



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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 4. Section 286-109, Hawaii Revised Statutes, is  
8 amended to read as follows:

9       "**§286-109 General provision governing the issuance of**  
10 **licenses.** (a) Upon payment of the required fee and upon  
11 demonstrating the ability to operate a certain category or  
12 categories of motor vehicles to the satisfaction of the examiner  
13 of drivers, an applicant for a driver's license shall be issued  
14 a single license of a design approved by the director of  
15 transportation upon which is made a notation of:

- 16       (1) The person's full legal name, date of birth, gender  
17       designation, residence address, and license number;
- 18       (2) The category or categories of motor vehicles the  
19       applicant may operate;
- 20       (3) Any restrictive provisions to which the license is  
21       subject;



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1           (4) Veteran status, if desired by the applicant; provided  
2           that the notation shall be on the front of the license  
3           and shall not include any designation other than the  
4           term "veteran"; and

5           (5) When the license is issued to a person under twenty-  
6           one years of age, a statement, in clearly legible  
7           print that shall contrast with the other information  
8           appearing on the license, which indicates the date on  
9           which the person will attain the age of twenty-one  
10          years.

11 As used in this subsection:

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

13          "Veteran" means any person who served in any of the  
14          uniformed services of the United States, including veterans of  
15          the Korean conflict and persons who served in the armed forces  
16          of the Republic of Korea, who fought under the command of the  
17          United Nations led by the United States, during the Korean  
18          conflict and are currently United States citizens, and was  
19          discharged under conditions other than dishonorable.



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

4           (c) Statutes of limitations and other provisions of this  
5 chapter notwithstanding, no driver's license or instruction  
6 permit shall be issued or renewed under this section, where the  
7 examiner of drivers is notified by the district judge, traffic  
8 violations bureaus of the district courts, or the judge of the  
9 circuit court that the applicant has failed to respond to a  
10 traffic citation or summons, or failed to appear in court after  
11 an arrest for the violation of any traffic laws of a county,  
12 this chapter or chapter 286G, 287, 290, 291, or 291C, or of any  
13 motor vehicle insurance laws under article 10C of chapter 431,  
14 or of any motorcycle or motor scooter insurance laws under  
15 article 10G of chapter 431, and the same remains delinquent and  
16 outstanding, or the applicant, has as of the time of the  
17 application, failed to comply in full with all orders of the  
18 court; provided that this subsection shall not apply to  
19 outstanding and delinquent payments pursuant to chapter 291D;  
20 provided further that the district court with whose order an  
21 applicant has failed to comply in full, may approve the issuance



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

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

9 (2) The applicant has no access to alternative  
10 transportation and therefore must drive to work;  
11 provided further that if the applicant has failed to comply in  
12 full with orders of the district court of more than one circuit,  
13 the applicant shall obtain the approval of the district court of  
14 each circuit in which the applicant has an outstanding court  
15 order before a driver's license or instruction permit may be  
16 issued or renewed under this subsection.

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



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

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

10 SECTION 5. 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 affidavit and voter  
12 registration application required under section 11- ."

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

15 "(a) All information and records acquired by the examiner  
16 of drivers under this part shall be confidential~~[+]~~; provided  
17 that the examiner may transmit voter registration information as  
18 required under sections 11- , 286-A, 286-B, 286-109, and 286-  
19 301. All information and records shall be maintained in an  
20 appropriate form and in an appropriate office in the custody and  
21 under the control of the examiner. The information shall be



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

8 SECTION 7. The examiner of drivers in each county shall  
 9 cooperate with the office of elections to develop the forms,  
 10 applications, and affidavits necessary to effectuate the  
 11 purposes of this Act.

12 SECTION 8. In codifying the new sections added by  
 13 section 2 of this Act, the revisor of statutes shall substitute  
 14 appropriate section numbers for the letters used in designating  
 15 the new sections in this Act.

16 SECTION 9. Statutory material to be repealed is bracketed  
 17 and stricken. New statutory material is underscored.

18 SECTION 10. This Act shall take effect on January 1, 2022.

19

INTRODUCED BY:   
 JAN 25 2021



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**Report Title:**

Automatic Voter Registration; Driver's License; Provisional License; Instruction Permit; State Identification Card; Affirmative Opt-out

**Description:**

Makes an application for voter registration, including an affidavit, part of all driver license and state identification card applications. Automatically registers each applicant who elects to be registered to vote, unless the applicant affirmatively declines to be registered to vote. Requires sharing of information among the counties, department of transportation, and election personnel.

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

