

JAN 22 2021

A BILL FOR AN ACT

RELATING TO VOTER REGISTRATION.

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- Applications for a driver's license or civil
5 identification card. (a) Notwithstanding any law to the
6 contrary, an affidavit on an application for voter registration
7 shall be a part of any application associated with the issuance
8 of a driver's license under section 286-109 or a civil
9 identification card under section 286-301.

10 (b) An application for a driver's license or civil
11 identification card shall not be processed until the applicant
12 has:

13 (1) Been confirmed electronically as already a currently
14 registered voter;

15 (2) Applied on the application form to register to vote;
16 or



1 (3) Affirmatively declined on the application form to
2 register to vote.

3 (c) If an applicant for a driver's license or civil
4 identification card is a currently registered voter, an
5 application form shall serve to automatically update the
6 applicant's voter registration residence address, mailing
7 address, or name, as applicable. A notice to this effect shall
8 be stated on any application form utilized by the examiner of
9 drivers.

10 (d) The examiner of drivers and the state department of
11 transportation shall maintain current electronic database
12 records indicating each driver's license or civil identification
13 card holder's status as a registered voter, in addition to any
14 other information referred to in subsection (e).

15 (e) The examiner of drivers shall electronically transmit
16 to the office of elections, on a real time basis, information
17 required by this subsection for any applicant who is a currently
18 registered voter or any applicant who is a United States citizen
19 and has not affirmatively declined to register to vote. The
20 information required for electronic transmittal includes an
21 applicant's:



- 1 (1) Name;
- 2 (2) Date of birth;
- 3 (3) Last four digits of the social security number;
- 4 (4) Driver's license number or civil identification card
- 5 number;
- 6 (5) Residence address;
- 7 (6) Mailing address;
- 8 (7) Status as a currently registered voter;
- 9 (8) Status of having completed the voter registration
- 10 portion of the application;
- 11 (9) Status of having indicated being a citizen of the
- 12 United States of America, at least sixteen years of
- 13 age, and a resident of the State of Hawaii;
- 14 (10) Status of indicating authorization to cancel voter
- 15 registration in another state;
- 16 (11) Digitized signature;
- 17 (12) Application in electronic form (e.g., TIFF, JPEG, PDF,
- 18 or other electronic format copy of the original
- 19 application); and
- 20 (13) Other information specified by the chief election
- 21 officer.



1 (f) Databases maintained or operated by the department of
2 transportation or the counties that contain driver's license and
3 civil identification card information, including any documents
4 or images, shall be electronically accessible by election
5 officials and the statewide voter registration system to allow
6 for:

- 7 (1) Timely processing of voter registration applications;
8 (2) Verification of information provided by online voter
9 registration applicants under section 11-15.3;
10 (3) Assurance of the integrity of the voter registration
11 rolls; or
12 (4) For any other election purpose."

13 SECTION 2. Section 286-109, Hawaii Revised Statutes, is
14 amended to read as follows:

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



- 1 (1) The person's full legal name, date of birth, gender
- 2 designation, residence address, and license number;
- 3 (2) The category or categories of motor vehicles the
- 4 applicant may operate;
- 5 (3) Any restrictive provisions to which the license is
- 6 subject;
- 7 (4) 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 (5) 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:

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

19 "Veteran" means any person who served in any of the

20 uniformed services of the United States, including veterans of

21 the Korean conflict and persons who served in the armed forces



1 of the Republic of Korea, who fought under the command of the
2 United Nations led by the United States, during the Korean
3 conflict and are currently United States citizens, and was
4 discharged under conditions other than dishonorable.

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

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



1 court; provided that this subsection shall not apply to
2 outstanding and delinquent payments pursuant to chapter 291D;
3 provided further that the district court with whose order an
4 applicant has failed to comply in full, may approve the issuance
5 or renewal of a driver's license or instruction permit other
6 than a commercial driver's license upon conditions imposed by
7 the court for the satisfaction of the outstanding court order
8 and any other conditions as may be imposed by the court, if one
9 or more of the following conditions are met:

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

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

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



1 A driver's license or instruction permit issued or renewed
2 under this subsection shall be subject to immediate suspension
3 by the court upon the applicant's failure to remain in full
4 compliance with all conditions imposed by the court for the
5 issuance or renewal of the driver's license or instruction
6 permit. The examiner of drivers may place an indication of
7 restriction upon a driver's license or instruction permit issued
8 or renewed under this subsection. Proof of financial
9 responsibility under section 287-20 shall not apply to the
10 issuance or renewal of driver's licenses or instruction permits
11 under this subsection.

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

14 SECTION 3. Section 286-301, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "~~[§286-301]~~ **Issuance of identification card or**
17 **temporary card.** (a) To obtain an identification card from the
18 examiner of drivers, an individual shall complete an application
19 pursuant to section 286-303.

20 (b) The examiner of drivers, upon receipt of ~~[the]~~ an
21 application by any individual who is a resident or a temporary



1 resident of this State, shall issue an identification card to
2 that individual upon receipt of [~~any~~] an appropriate fee
3 established pursuant to section 286-309.

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

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

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

16 SECTION 4. Section 286-311, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) [~~All~~] Except for the purposes of sections 11- ,
19 286-109, and 286-301, information and records acquired by the
20 examiner of drivers under this part shall be confidential. All
21 information and records shall be maintained in an appropriate



S.B. NO. 418

Report Title:

Office of Elections Package; DOT; Automatic Voter Registration; Driver's Licenses; Civil Identification Cards

Description:

Establishes automatic voter registration upon application for a driver's license or civil identification card, except when an applicant affirmatively declines on an application to register to vote. Requires the examiner of drivers to electronically transmit to the Office of Elections certain information associated with currently registered and newly registered voters. Requires accessibility of certain databases maintained or operated by the Department of Transportation or the counties.

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

