



GOV. MSG. NO. 1228

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 28, 2021

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 28, 2021, the following bill was signed into law:

SB159 SD1 HD1 CD1

RELATING TO VOTING
ACT 126 (21)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

Approved by the Governor

JUN 28 2021

On _____

THE SENATE
THIRTY-FIRST LEGISLATURE, 2021
STATE OF HAWAII

ACT 126
S.B. NO.

159
S.D. 1
H.D. 1
C.D. 1

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 shall be a part of the application for
6 issuance of an identification card under section 286-303 and the
7 application for issuance of a driver's license under
8 section 286-111. Applications for an identification card or
9 driver's license shall not be processed until the applicant
10 completes the portion of the application related to voter
11 registration and indicates the applicant's choice of whether to
12 register to vote. If already registered to vote, the applicant
13 shall be offered the opportunity to decline any changes being
14 made to their name and address for voter registration purposes.

15 The submission of the application for the issuance of an
16 identification card under section 286-303 or the application for
17 a driver's license under section 286-111 shall be deemed to
18 authorize the examiner of drivers to collect and transmit the



1 information necessary to register the applicant as a voter if
2 the applicant made such a choice or to make changes to the
3 applicant's voter registration information unless the applicant
4 declined such changes. The examiner of drivers shall
5 electronically transmit the necessary information to the clerk
6 of the county in which the applicant resides, election
7 officials, and the online voter registration system pursuant to
8 subsection (c).

9 The examiner of drivers shall not transmit any information
10 necessary to register an applicant as a voter if the applicant
11 made a choice not to be registered to vote nor transmit any
12 information necessary to make changes to the applicant's voter
13 registration information if the applicant declined such changes.

14 The examiner of drivers shall not transmit any information
15 related to a voter application or changes to the applicant's
16 voter registration information if the applicant presents a
17 document demonstrating a lack of United States citizenship.

18 (b) Upon receipt of the completed voter registration
19 application or changes to the applicant's voter registration
20 information transmitted from the examiner of drivers, the clerk
21 shall review and either approve or reject the voter registration

1 application in accordance with this part; provided that approved
2 voter registration applications received from the examiner of
3 drivers pursuant to this section shall be treated as having a
4 valid signature for purposes of section 11-15(c), whether
5 transmitted electronically or by facsimile transmission. Upon
6 the clerk's approval of the voter registration application or
7 any changes to the voter registration information, the clerk
8 shall proceed to number the application and register the name of
9 the voter in the general county register as provided in
10 section 11-14 or make approved changes to the voter's existing
11 voter registration information as applicable.

12 (c) Databases maintained or operated by the counties or
13 the department of transportation containing driver's license or
14 identification card information, including any documents or
15 images, shall be accessible and provided electronically to
16 election officials and the online voter registration system to
17 allow for the timely processing of voter applications, ensure
18 the integrity of the voter registration polls, and for any other
19 voter registration or election purposes, as determined by the
20 director of transportation."

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

4 "§286-A Voter registration. (a) A qualified applicant
5 for a new or renewed motor vehicle driver's license shall
6 automatically be registered to vote with the clerk of the
7 appropriate county upon completion of the driver's license
8 application and application for voter registration as required
9 in section 11- if the qualified applicant makes a choice to
10 register to vote on the application form. If already registered
11 to vote, the qualified applicant shall be offered the
12 opportunity to decline any changes being made to their name and
13 address for voter registration purposes.

14 (b) The submission of the application for voter
15 registration together with the license or permit application
16 shall be deemed to authorize the examiner of drivers to collect
17 and transmit the information necessary to register the qualified
18 applicant as a voter if the applicant made such a choice or to
19 make changes to the qualified applicant's voter registration
20 information unless the applicant declined such changes. The
21 examiner of drivers shall electronically transmit the necessary



1 information to the clerk of the county in which the qualified
2 applicant resides, election officials, and the online voter
3 registration system pursuant to section 11- (c).

4 The examiner of drivers shall not transmit any information
5 necessary to register a qualified applicant as a voter if the
6 applicant made a choice not to be registered to vote nor
7 transmit any information necessary to make changes to the
8 qualified applicant's voter registration information if the
9 applicant declined such changes. The examiner of drivers shall
10 not transmit any information related to a voter application or
11 changes to the applicant's voter registration information if the
12 applicant presents a document demonstrating a lack of United
13 States citizenship.

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

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

20 "§286-B Voter registration. (a) A qualified applicant
21 for a new, renewal, or duplicate identification card shall



1 automatically be registered to vote with the clerk of the
2 appropriate county upon completion of an application for
3 identification card and the application for voter registration
4 as required by section 11- if the qualified applicant makes a
5 choice to be registered to vote. If already registered to vote,
6 the qualified applicant shall be offered the opportunity to
7 decline any changes being made to their name and address for
8 voter registration purposes.

9 (b) The submission of the application for voter
10 registration together with the application for the
11 identification card shall be deemed to authorize the examiner of
12 drivers to collect and transmit the information necessary to
13 register the qualified applicant as a voter if the applicant
14 made such a choice or to make changes to the qualified
15 applicant's voter registration information unless the applicant
16 declined such changes. The examiner of drivers shall
17 electronically transmit the necessary information to the clerk
18 of the county in which the qualified applicant resides, election
19 officials, and the online voter registration system pursuant to
20 section 11- (c).

1 The examiner of drivers shall not transmit any information
2 necessary to register a qualified applicant as a voter if the
3 applicant made a choice not to be registered to vote nor
4 transmit any information necessary to make changes to the
5 qualified applicant's voter registration information if the
6 applicant declined such changes. The examiner of drivers shall
7 not transmit any information related to a voter application or
8 changes to the applicant's voter registration information if the
9 applicant presents a document demonstrating a lack of United
10 States citizenship.

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

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

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

20 (1) The applicant's eyesight and any further physical
21 examination that the examiner of drivers finds

- 1 necessary to determine the applicant's fitness to
2 operate a motor vehicle safely upon the highways;
- 3 (2) The applicant's ability to understand highway signs
4 regulating, warning, and directing traffic;
- 5 (3) The applicant's knowledge of the rules of the road
6 based on the traffic laws of the State and the traffic
7 ordinances of the county where the applicant resides
8 or intends to operate a motor vehicle; provided that
9 the examination shall specifically test the
10 applicant's knowledge of the provisions of
11 section 291C-121.5 and section 291C-137; and
- 12 (4) The actual demonstration of ability to exercise
13 ordinary and reasonable control in the operation of a
14 motor vehicle.

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

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

20 The examiner of drivers may waive the actual demonstration
21 of ability to operate a motorcycle or motor scooter for any

1 person who furnishes evidence, to the satisfaction of the
2 examiner of drivers, that the person has completed the
3 motorcycle education course approved by the director in
4 accordance with section 431:10G-104.

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

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

11 SECTION 5. Section 286-111, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§286-111 Application for license, provisional license,
14 instruction permit, limited purpose driver's license, limited
15 purpose provisional driver's license, or limited purpose
16 instruction permit; fees. (a) Every application for an
17 instruction permit, provisional license, driver's license,
18 limited purpose driver's license, limited purpose provisional
19 driver's license, or limited purpose instruction permit shall be
20 made upon a form furnished by the examiner of drivers and shall
21 be verified by the applicant before a person authorized to

1 administer oaths. The examiner of drivers and officers serving
2 under the examiner may administer the oaths without charge.
3 Each application for an instruction permit for a category (1),
4 (2), (3), or (4) license shall be accompanied by a fee to be
5 determined by the council of each county, and each application
6 for a provisional license or driver's license shall be
7 accompanied by the fee, unless the applicant has already paid
8 the fee upon application for an instruction permit in the same
9 county, in which event no fee shall be charged. An additional
10 fee to be determined by the council of each county shall be
11 charged and collected upon the issuance of a provisional license
12 or driver's license. All of the foregoing fees shall become
13 county realizations.

14 (b) The director shall establish by rule a standard fee
15 for all driver's license applicants who require verification
16 through the federal system that their presence in the United
17 States is authorized by federal law. The fees collected shall
18 become state realizations and be deposited into the state
19 highway fund. The State shall reimburse the counties all costs
20 of verification through the federal system. The amount of

1 reimbursement shall be determined by the director of
2 transportation.

3 (c) The director of transportation shall establish a fee
4 schedule for all commercial driver's licensing examinations.
5 The fees collected for a commercial driver's license shall
6 become state realizations and shall be deposited in the state
7 highway fund. The State shall reimburse the counties all costs
8 for administering the commercial driver's licensing program.
9 The amount of reimbursement shall be determined by the director
10 of transportation.

11 (d) Every application shall state the full name, date of
12 birth, gender designation, occupation, veteran status if
13 applicable (including veterans of the Korean conflict and
14 persons who served in the armed forces of the Republic of Korea,
15 who fought under the command of the United Nations led by the
16 United States, during the Korean conflict and are currently
17 United States citizens) and desired by the applicant, social
18 security number if the applicant is eligible for a social
19 security number, the residence address, and business address, if
20 any, of the applicant, shall briefly describe the applicant, and
21 shall state whether the applicant has theretofore been licensed

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

5 The examiner of drivers shall not require documentation for
6 an applicant's selection of gender designation or an applicant's
7 request for an amendment to a gender designation other than the
8 applicant's self-certification of their chosen gender
9 designation; provided that the examiner of drivers shall not be
10 prohibited from requiring documentation that may incidentally
11 show an applicant's birth sex category if [~~such~~] the
12 documentation is necessary to establish that the applicant is
13 legally entitled to a license.

14 For [†]purposes[†] of this subsection, "gender designation"
15 shall have the same meaning as in section 286-109(a).

16 (e) Except as provided in section 286-104.5, if the
17 applicant is not eligible to receive a social security number,
18 the applicant shall submit, in lieu of providing proof of social
19 security number pursuant to subsection (d):

1 (1) A United States Social Security Administration letter
2 stating that the applicant is ineligible to obtain a
3 social security number; and

4 (2) Either:

5 (A) A government-issued photo identification
6 document; or

7 (B) Other identification documents as deemed
8 acceptable by the director.

9 (f) An application for a driver's license shall include
10 the voter registration application required under
11 section 11- ."

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

14 "§286-303 Application for identification card. (a)
15 Application for the identification card shall be made in person
16 by any adult or minor. In the case of a minor under the age of
17 fourteen years, the application shall be made on the minor's
18 behalf by the parent, or by another individual in loco parentis
19 of the minor who can provide proof of guardianship. In the case
20 of an incompetent individual, the application shall be made by
21 the individual having the custody or control of or maintaining

1 the incompetent individual. A non-compliant identification card
2 shall be issued in accordance with section 286-301.5 for
3 applications not made in person.

4 (b) Application for renewal of an identification card
5 issued after November 1, 1998, for an individual eighty years of
6 age or older may be done by mailing in or electronically
7 submitting a completed application and fee, if there is no
8 change in name and citizenship status. The director shall adopt
9 rules to allow for renewal by mail or electronic methods for
10 individuals with physical or intellectual disabilities for whom
11 application in person presents a serious burden. For an
12 individual who has a letter from a licensed primary care
13 provider certifying that a severe disability causes the
14 individual to be homebound, the director shall adopt rules
15 allowing for application for renewal of an identification card
16 under this section by means other than in-person appearance. A
17 non-compliant identification card shall be issued in accordance
18 with section 286-301.5 for renewal applications not made in
19 person.

20 (c) Every application for an identification card or
21 duplicate of an identification card shall be made on a form

1 developed by the director and furnished by the examiner of
2 drivers, signed by the applicant, and signed by the applicant's
3 parent or guardian if the applicant is under eighteen years of
4 age. The application shall contain the following information:

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

1 (9) A digitized frontal photograph of the applicant's full
2 face.

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; provided that an applicant shall not be
7 required to provide documentation to prove the applicant's
8 gender designation other than the applicant's self-certification
9 of their chosen gender designation; provided further that
10 documentation that may incidentally show an applicant's birth
11 gender may be required if necessary to establish that the
12 applicant is legally entitled to an identification card.

13 For purposes of this subsection, "gender designation" shall
14 have the same meaning as in section 286-109(a).

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

19 (e) ~~[The examiner of drivers, in accordance with~~
20 ~~section 11-15, at the time of application, shall make available~~
21 ~~an application for voter registration to every applicant for an~~

1 ~~identification card who is eligible to register to vote.] An~~
2 application for an identification card from the examiner of
3 drivers shall include the voter registration application
4 required under section 11- .

5 (f) The examiner of drivers shall maintain a suitable,
6 indexed record of all applications.

7 (g) For the purpose of this section, "AHCD", which stands
8 for "advance health-care directive", means an individual
9 instruction in writing, a living will, or a durable power of
10 attorney for health care decisions."

11 SECTION 7. Section 286-311, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) All information and records acquired by the examiner
14 of drivers under this part shall be confidential[-]; provided
15 that the examiner may transmit voter registration information as
16 required under sections 11- , 286-A, 286-B, 286-111,
17 and 286-303. All information and records shall be maintained in
18 an appropriate form and in an appropriate office in the custody
19 and under the control of the examiner. The information shall be
20 available only to authorized individuals under [such]
21 restrictions as the director shall prescribe. The examiner may

1 dispose of any application or identification card, or
2 information or record relating to the application or
3 identification card, [~~which~~] that does not include a social
4 security number, without regard to chapter 94, whenever, in the
5 examiner's discretion, retention of the information or record is
6 no longer required or practicable."

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

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

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

17 SECTION 11. This Act shall take effect on July 1, 2021.

APPROVED this 28 day of JUN, 2021





GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: April 27, 2021
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2021.


President of the Senate


Clerk of the Senate

SB No. 159, SD 1, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2021
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives