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# A BILL FOR AN ACT

RELATING TO VOTER REGISTRATION.

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

1           SECTION 1. The legislature finds that every eligible  
2 person should be able to register to vote in a convenient and  
3 secure way that is beneficial to new voters and administrators  
4 alike. Key voter registration improvements can ensure state  
5 election systems are secure and efficient, safeguard votes, and  
6 save money.

7           The legislature further finds that in 2021, Hawaii  
8 established automatic voter registration to increase the State's  
9 historically low voter participation rates. Yet, the automatic  
10 voter registration system established by the legislature was an  
11 opt-in system that places the responsibility for registration on  
12 the part of individual voters, which fails to fully include the  
13 total potential population of new voters.

14           Accordingly, the purpose of this Act is to improve Hawaii's  
15 voter participation rate by strengthening the State's automatic  
16 voter registration program.



1 SECTION 2. Section 11-15.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[+]§11-15.5[+] **Duties of all state agencies; voter**  
4 **registration.** (a) Each state agency that deals with the public  
5 shall make available to each member of the public eighteen years  
6 of age or older an application in the form of an affidavit for  
7 voter registration pursuant to section 11-15. The application  
8 shall be available by mail, online, or in person depending on  
9 the manner in which the agency's services are requested by the  
10 person. The form of the application may be identical to that  
11 described and found in public telephone directories.

12 (b) Any state agency may be designated by the office of  
13 elections to implement automatic voter registration if the  
14 agency collects, processes, or stores the following information  
15 as part of providing assistance or services: name, residential  
16 address, date of birth, and proof of United States citizenship  
17 or external verification of United States citizenship. An  
18 eligible agency may establish and implement, upon approval from  
19 the office of elections, a procedure to automatically and  
20 electronically transmit a person's voter registration  
21 information to the clerk of the county in which the person



1 resides. Every eligible agency shall comply with the  
2 requirements in section 11-15.7, to the extent applicable as  
3 determined by the office of elections."

4 SECTION 3. Section 11-15.7, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "[~~+~~]§11-15.7[~~+~~] **Automatic registration**[~~-~~] and  
7 preregistration. (a) [~~An application for voter registration~~  
8 ~~shall be a part of the application for issuance of an~~  
9 ~~identification card under section 286-303 and the application~~  
10 ~~for issuance of a driver's license under section 286-111.~~  
11 ~~Applications for an identification card or driver's license~~  
12 ~~shall not be processed until the applicant completes the portion~~  
13 ~~of the application related to voter registration and indicates~~  
14 ~~the applicant's choice of whether to register to vote. If~~  
15 ~~already registered to vote, the applicant shall be offered the~~  
16 ~~opportunity to decline any changes being made to their name and~~  
17 ~~address for voter registration purposes.~~]

18 The submission of the application for the issuance of [~~an~~  
19 ~~identification~~] a new, renewed, or duplicate:

20 (1) Instruction permit under section 286-110, 286-111, or  
21 286-117;



1       (2) Provisional license under section 286-111 or 286-117;

2       (3) Driver's license under section 286-107, 286-111, or  
3       286-117; or

4       (4) Identification card under section 286-303 [~~er the~~  
5       ~~application for a driver's license under section 286-~~  
6       ~~111],~~

7 shall be deemed to authorize the examiner of drivers to collect  
8 and transmit the information necessary to register or  
9 preregister, pursuant to section 11-12(b), the applicant as a  
10 voter if the applicant [~~made such a choice or to make changes to~~  
11 ~~the applicant's voter registration information unless the~~  
12 ~~applicant declined such changes.~~] is of sufficient age to  
13 register or preregister to vote, has provided a Hawaii residence  
14 address, and has presented documentation demonstrating United  
15 States citizenship.

16       (b) The examiner of drivers shall electronically transmit  
17 the [~~necessary~~] following information to the clerk of the county  
18 in which the applicant resides[~~, election officials, and the~~  
19 ~~online voter registration system pursuant to subsection (c).~~

20       ~~The examiner of drivers shall not transmit any information~~  
21 ~~necessary to register an applicant as a voter if the applicant~~



1 ~~made a choice not to be registered to vote nor transmit any~~  
2 ~~information necessary to make changes to the applicant's voter~~  
3 ~~registration information if the applicant declined such~~  
4 ~~changes.] :~~

5 (1) The applicant's name;

6 (2) The applicant's date of birth;

7 (3) The instruction permit, provisional license, driver's  
8 license, or state identification number of the  
9 applicant;

10 (4) The applicant's residence address and mailing address,  
11 if different from the residence address;

12 (5) The applicant's county of residence;

13 (6) The applicant's citizenship status;

14 (7) The applicant's signature as a digitized image;

15 (8) The last four digits of the applicant's social  
16 security number, if available;

17 (9) The applicant's telephone number, if available; and

18 (10) The applicant's electronic mail address, if available.

19 (c) The examiner of drivers shall not transmit any

20 ~~information [related to a voter application or changes to the~~

21 ~~applicant's voter registration information if] under this~~



1 section unless the applicant presents a document demonstrating  
2 [a lack] proof of United States citizenship~~[+]~~ or records  
3 maintained by the examiner of drivers conclusively indicate that  
4 the applicant provided documentation demonstrating United States  
5 citizenship as part of a previous transaction. If the applicant  
6 provides documentation during the transaction indicating that  
7 the applicant is not a United States citizen, the applicant's  
8 information shall not be transmitted to the clerk and the  
9 applicant shall not be offered a voter registration or  
10 preregistration opportunity. If the documents provided by the  
11 applicant do not provide sufficient information to verify  
12 citizenship status, or if the examiner of drivers is unable to  
13 verify that proof of citizenship was presented during a previous  
14 transaction, the examiner of drivers shall provide information  
15 during the transaction regarding voter registration or  
16 preregistration and eligibility criteria, including instructions  
17 that the applicant may only register or preregister to vote if  
18 the applicant is a United States citizen.

19 ~~[-(b)]~~ (d) Upon receipt of the ~~[completed voter~~  
20 ~~registration application or changes to the]~~ applicant's voter  
21 registration or preregistration information transmitted from the



1 examiner of drivers, the clerk shall review and [~~either approve~~  
2 ~~or reject the voter registration application in accordance with~~  
3 ~~this part; provided that approved~~] determine whether the  
4 applicant is currently registered or preregistered in the online  
5 voter registration system. If the applicant is not currently  
6 registered or preregistered in the online voter registration  
7 system, the clerk shall mail a notice to the applicant pursuant  
8 to subsection (e). If the applicant is currently registered or  
9 preregistered in the online voter registration system, the clerk  
10 shall compare the information transmitted from the examiner of  
11 drivers to the applicant's voter registration or preregistration  
12 information. If the information transmitted from the examiner  
13 of drivers differs from the applicant's voter registration or  
14 preregistration information, the clerk shall mail a notice to  
15 the applicant pursuant to subsection (e). Approved voter  
16 registration applications received from the examiner of drivers  
17 pursuant to this section shall be treated as having a valid  
18 signature for purposes of section 11-15(c), whether transmitted  
19 electronically or by facsimile transmission. [~~Upon the clerk's~~  
20 ~~approval of the voter registration application or any changes to~~  
21 ~~the voter registration information,]~~ Voter registration or



1 preregistration records created under this section shall be  
2 exempt from disclosure for twenty-one days after the mailing of  
3 the notice under subsection (e).

4 (e) Upon determining that an applicant is not currently  
5 registered or preregistered in the online voter registration  
6 system or an applicant's voter registration or preregistration  
7 information differs from the information transmitted from the  
8 examiner of drivers under this section, the clerk shall promptly  
9 mail the applicant a notice that contains a postage prepaid,  
10 pre-addressed return form by which the applicant may decline to  
11 be registered or preregistered to vote or have the applicant's  
12 voter registration or preregistration information updated. The  
13 notice shall also include instructions for applicants who  
14 request confidentiality under section 11-14.5 or request large  
15 print ballots.

16 (f) If an applicant returns the form declining to be  
17 registered or preregistered to vote, the applicant's voter  
18 registration or preregistration shall be canceled, and the  
19 applicant shall be deemed to have never registered or  
20 preregistered to vote; provided that if the applicant votes in  
21 an election after the transfer of the applicant's voter



1 registration information but before the form declining to be  
2 registered to vote is returned, the returned form shall be of no  
3 force and effect and the applicant shall be deemed registered to  
4 vote as of the date of the applicant's qualifying transaction  
5 with the examiner of drivers. If an applicant returns the form  
6 declining to have the applicant's voter registration or  
7 preregistration information updated, the applicant's voter  
8 registration or preregistration information shall not be  
9 updated.

10 If the applicant does not decline voter registration or  
11 preregistration or to have the applicant's voter registration or  
12 preregistration information updated within the period prescribed  
13 by the office of elections, the clerk shall proceed to number  
14 the application and register the name of the [voter] applicant  
15 in the general county register as provided in section 11-14,  
16 preregister the applicant as provided in section 11-12, or [make  
17 approved changes to] update the [voter's] applicant's existing  
18 voter registration or preregistration information as applicable.  
19 The date of registration or preregistration shall be the date of  
20 the applicant's qualifying transaction with the examiner of  
21 drivers.



1        [~~e~~] (g) Databases maintained or operated by the counties  
2 or [~~the~~] department of transportation containing instruction  
3 permit, provisional license, driver's license, or identification  
4 card information, including any documents or images, shall be  
5 accessible and provided electronically to election officials and  
6 the online voter registration system to allow for the timely  
7 processing of voter applications, ensure the integrity of the  
8 voter registration polls, and for any other voter registration,  
9 preregistration, or election purposes, as determined by the  
10 director of transportation.

11        (h) Any applicant who submits a qualifying application  
12 under this section that is dated during the twenty-one days  
13 before an election shall be provided, at the time of  
14 application, with a notice advising the applicant of the  
15 procedures to register to vote on election day.

16        (i) An otherwise eligible applicant who declines to  
17 register or preregister to vote or update the applicant's voter  
18 registration or preregistration information shall be offered a  
19 new opportunity to register or preregister to vote or update the  
20 applicant's voter registration or preregistration information  
21 with each qualifying application submitted under this section.



1        (j) Records of applicants who are ineligible to register  
2 or preregister to vote or who declined voter registration or  
3 preregistration shall be exempt from disclosure under chapter  
4 92F because disclosure would constitute a clearly unwarranted  
5 invasion of personal privacy.

6        (k) Unless an ineligible applicant wilfully and knowingly  
7 takes affirmative steps to register or preregister to vote  
8 knowing that the applicant is not eligible to vote or  
9 preregister to vote, the record and signature of the ineligible  
10 applicant that is transmitted under this section shall not  
11 constitute a completed voter registration application, and that  
12 applicant shall not be considered to have affirmatively  
13 registered or preregistered to vote.

14        (1) Nothing in this section shall be construed to:

15        (1) Amend the substantive qualifications for voter  
16        registration or preregistration in the State;

17        (2) Require documentary proof of citizenship for voter  
18        registration or preregistration;

19        (3) Require the examiner of drivers to maintain or  
20        validate official records of voter registration or  
21        preregistration; or



1        (4) Authorize the examiner of drivers to request  
2        documentation establishing an applicant's citizenship  
3        solely for the purposes of voter registration or  
4        preregistration."

5        SECTION 4. Section 286-107, Hawaii Revised Statutes, is  
6 amended to read as follows:

7        "**§286-107 License renewals; procedures and requirements.**

8        (a) The examiner of drivers may accept an application for a  
9 renewal of a driver's license made [~~not~~] no more than six months  
10 [~~prior to~~] before the date of expiration.

11        If, however, the renewal is not applied for within ninety  
12 days after the expiration of the license, the applicant for  
13 renewal shall be treated as an applicant for a new license and  
14 examined as provided in section 286-108.

15        (b) Except as otherwise provided in subsection (c), an  
16 applicant for a renewal of a driver's license under this  
17 section, or the reactivation of an expired license under section  
18 286-107.5(a), shall appear in person before the examiner of  
19 drivers and the examiner of drivers shall administer [~~such~~]  
20 physical examinations as the state director of transportation



1 deems necessary to determine the applicant's fitness to continue  
2 to operate a motor vehicle.

3 (c) Any person who holds a category (1), (2), or (3)  
4 license issued under this part may apply for a renewal of the  
5 license online via any electronic or digital means provided by  
6 the examiner of drivers, or by mail, if the person is not  
7 disqualified from renewing the license under subsection (a),  
8 except as provided under subsection (h). The applicant's  
9 request to have the license renewed by mail must be received by  
10 the examiner of drivers within ninety days after the expiration  
11 of the license or it shall be treated as an application for  
12 reactivation of an expired license under section 286-107.5. The  
13 examiner of drivers shall, upon receipt of the request, furnish  
14 the applicant with all necessary forms and instructions. An  
15 application for renewal made by electronic or digital means or  
16 by mail pursuant to this subsection shall be accompanied by a  
17 statement from a licensed physician, physician assistant, or  
18 advanced practice registered nurse certifying that the applicant  
19 was examined by the licensed physician, physician assistant, or  
20 advanced practice registered nurse no more than six months  
21 before the expiration date of the applicant's license and that



1 the applicant was found by the examination to have met the  
2 physical requirements established by the state director of  
3 transportation for the renewal of licenses. The application for  
4 renewal by electronic or digital means or by mail shall also be  
5 accompanied by:

6 (1) A notarized statement of the applicant certifying that  
7 the applicant does not possess any valid license to  
8 operate the same or similar category or categories of  
9 motor vehicles, issued by another licensing authority  
10 (unless the license is concurrently surrendered); and

11 (2) Any other information as may be required by the  
12 examiner of drivers that is reasonably necessary to  
13 confirm the identity of the applicant and the  
14 applicant's fitness to continue to operate a motor  
15 vehicle.

16 (d) An applicant for a renewal of the applicant's driver's  
17 license, whether applying pursuant to subsections (b) or (c),  
18 shall pay the fee determined by the council of the appropriate  
19 county. Payment of the fee shall be by certified check or money  
20 order, tendered together with the application.



1 (e) No driver's license shall be renewed by the examiner  
2 of drivers unless:

3 (1) The examiner of drivers is satisfied of the  
4 applicant's fitness to continue to operate a motor  
5 vehicle;

6 (2) The fee required by subsection (d) is tendered  
7 together with the application for renewal;

8 (3) The applicant complies with section 286-102.5; and

9 (4) The examiner of drivers is satisfied that the  
10 applicant does not have outstanding charges and fines  
11 relating to the disposition of an abandoned vehicle.

12 (f) No driver's license shall be renewable by electronic  
13 or digital means or by mail:

14 (1) For more than two consecutive renewals, regardless of  
15 whether the license expires, as provided under section  
16 286-106, on the eighth or fourth birthday after  
17 issuance; or

18 (2) Sixteen years have lapsed since the applicant had  
19 appeared in person;

20 provided that this subsection shall not apply to a resident

21 military person or that person's immediate family if the



1 resident military person resides outside the State on official  
2 military orders.

3 (g) Notwithstanding subsection (a), any applicant for a  
4 renewal of a driver's license who is a member of any component  
5 of the United States armed forces and who is on active federal  
6 service outside of the State at the time the applicant's license  
7 should be renewed, may file an application for a renewal of the  
8 driver's license, which shall be accompanied by verification of  
9 federal active service outside the State as required by the  
10 examiner of drivers, within ninety days of the applicant's  
11 return to the State or discharge from hospitalization. The  
12 examiner of drivers may waive the reactivation fee otherwise  
13 required by section 286-107.5.

14 (h) The state director of transportation shall adopt rules  
15 [~~and regulations~~] pursuant to chapter 91, necessary for the  
16 purposes of this section, including rules [~~and regulations~~]  
17 governing the effect to be given to convictions for violations  
18 of traffic laws of a foreign jurisdiction, upon license renewal  
19 procedures.

20 (i) An application for a renewal of a driver's license  
21 shall serve as a voter registration application for eligible



1 applicants under the procedures prescribed in section 11-15.7.  
 2 The examiner of drivers shall consult with the office of  
 3 elections to ensure that the form contains spaces for all  
 4 information required to register to vote."

5 SECTION 5. Section 286-110, Hawaii Revised Statutes, is  
 6 amended to read as follows:

7 "**§286-110 Instruction permits.** (a) Any person aged  
 8 fifteen years and six months or more who, except for the  
 9 person's lack of instruction in operating a motor vehicle, would  
 10 be qualified to obtain a driver's license issued under this part  
 11 may apply for a temporary instruction permit or a limited  
 12 purpose instruction permit at the office of the examiner of  
 13 drivers in the county in which the applicant resides; provided  
 14 that the applicant complies with section 286-102.5.

15 (b) The examiner of drivers shall examine every applicant  
 16 for an instruction permit. The examination shall include tests  
 17 of the applicant's:

18 (1) Eyesight and other physical or mental capabilities to  
 19 determine if the applicant is capable of operating a  
 20 motor vehicle;



1 (2) Understanding of highway signs regulating, warning,  
2 and directing traffic; and

3 (3) Knowledge of the traffic laws, ordinances, or  
4 regulations of the State and the county where the  
5 applicant resides or intends to operate a motor  
6 vehicle.

7 (c) If the examiner of drivers is satisfied that the  
8 applicant is qualified to receive an instruction permit, the  
9 examiner of drivers shall issue the permit entitling the  
10 applicant, while having the permit in the applicant's immediate  
11 possession, to drive a motor vehicle upon the highways for a  
12 period of one year; provided that:

13 (1) An applicant who is registered in a driver training  
14 course shall be issued a temporary instruction permit  
15 for the duration of the course and the termination  
16 date of the course shall be entered on the permit; and

17 (2) If the applicant is a legal immigrant, the permit  
18 shall expire no later than the applicant's authorized  
19 period of stay in the United States.

20 A person who is not licensed to operate the category of  
21 motor vehicles to which the driving training course applies



1 shall not operate a motor vehicle in connection with the driving  
2 training course without a valid temporary instruction permit.

3 (d) Except when operating a motor scooter or motorcycle,  
4 the holder of an instruction permit shall be accompanied by a  
5 person who is twenty-one years of age or older and licensed to  
6 operate the category of motor vehicles in which the motor  
7 vehicle that is being operated belongs. The licensed person  
8 shall occupy a passenger seat beside the permit holder while the  
9 motor vehicle is being operated; provided that if the holder of  
10 the instruction permit is under the age of eighteen years and is  
11 driving between the hours of 11:00 p.m. and 5:00 a.m.:

12 (1) A licensed driver who is the permit holder's parent or  
13 guardian shall occupy a passenger seat beside the  
14 driver while the motor vehicle is operated, unless the  
15 permit holder is an emancipated minor;

16 (2) The licensed driver shall be licensed to operate the  
17 same category of motor vehicles as the motor vehicle  
18 being operated by the holder of the instruction  
19 permit; and

20 (3) All occupants of the motor vehicle shall be restrained  
21 by a seat belt assembly or a child passenger safety



1 restraint system as required under sections 291-11.5  
2 and 291-11.6, notwithstanding any other law to the  
3 contrary.

4 (e) No holder of a temporary instruction permit shall  
5 operate a motorcycle or a motor scooter during hours of darkness  
6 or carry any passengers.

7 (f) No holder of a category 1 or 2 temporary instruction  
8 permit shall have the permit renewed, nor shall the holder be  
9 issued another temporary instruction permit for the same  
10 purpose, unless the holder has taken the examination for a  
11 category 1 or 2 license at least once prior to the expiration of  
12 the temporary instruction permit. If the holder of a temporary  
13 instruction permit fails to meet the requirements of this  
14 section, the holder shall not be permitted to apply for another  
15 category 1 or 2 temporary instruction permit for a period of  
16 three months. Nothing in this subsection shall affect the right  
17 and privilege of any holder of a category 1 or 2 temporary  
18 instruction permit to obtain a temporary instruction permit or  
19 driver's license for the operation of any other type of motor  
20 vehicle.



1 (g) The examiner of drivers may accept an application for  
2 renewal of an instruction permit no more than thirty days prior  
3 to or ninety days after the expiration date of the instruction  
4 permit, whereupon the applicant for renewal of an instruction  
5 permit shall be exempt from subsection (b) (2) and (3). If an  
6 application for renewal of an instruction permit is not made  
7 within ninety days after the expiration date of the permit, the  
8 applicant shall be treated as applying for a new instruction  
9 permit and examined in accordance with subsection (b).

10 (h) Notwithstanding any other law to the contrary, the  
11 examiner of drivers may issue an instruction permit to an  
12 applicant with a disability who has completed a medical review  
13 with [~~this~~] the State, and as a condition to licensure is  
14 required to pass a road test, but has failed the road test on  
15 the applicant's first attempt. The instruction permit issued  
16 under this subsection may be renewed no more than thirty days  
17 prior to or ninety days after the expiration date of the  
18 instruction permit upon receiving an updated medical report.  
19 Subsections (b) (2) and (3) shall not apply to the issuance or  
20 renewal of an instruction permit issued under this subsection.



1 For the purposes of this subsection, "applicant with a  
2 disability" means an applicant who the examiner of drivers has  
3 reasonable cause to believe may have a mental or physical  
4 infirmity or disability that would make it unsafe to operate a  
5 motor vehicle pursuant to section 286-119(a)(1) and has been  
6 medically evaluated by the medical advisory board established  
7 pursuant to section 286-4.1.

8 (i) An application for a new or renewed instruction permit  
9 shall serve as a voter registration application for eligible  
10 applicants under the procedures prescribed in section 11-15.7.  
11 The examiner of drivers shall consult with the office of  
12 elections to ensure that the form contains spaces for all  
13 information required to register or preregister to vote."

14 SECTION 6. Section 286-111, Hawaii Revised Statutes, is  
15 amended by amending subsection (f) to read as follows:

16 "(f) An application for [a] an instruction permit,  
17 provisional license, or driver's license shall [include the]  
18 serve as a voter registration application [required under] for  
19 eligible applicants under the procedures prescribed in section  
20 11-15.7. The examiner of drivers shall consult with the office



1 of elections to ensure that the form contains spaces for all  
2 information required to register or preregister to vote."

3 SECTION 7. Section 286-111.5, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "~~{}~~§286-111.5~~{}~~ **Voter registration**~~[-]~~ **and**  
6 **preregistration.** (a) A qualified applicant for a new ~~[øæ]~~,  
7 renewed, or duplicate motor vehicle instruction permit,  
8 provisional license, or driver's license shall automatically be  
9 registered or preregistered to vote with the clerk of the  
10 appropriate county upon completion of the instruction permit,  
11 provisional license, or driver's license application and  
12 ~~[application for voter registration as required in]~~ confirmation  
13 of eligibility pursuant to section 11-15.7 ~~[if the qualified~~  
14 ~~applicant makes a choice to register to vote on the application~~  
15 ~~form. If already registered to vote, the qualified applicant~~  
16 ~~shall be offered the opportunity to decline any changes being~~  
17 ~~made to their name and address for voter registration purposes.~~  
18 ~~(b) The submission of the application for voter~~  
19 ~~registration together with the license or permit application~~  
20 ~~shall be deemed to authorize the examiner of drivers to collect~~  
21 ~~and transmit the information necessary to register the qualified~~



1 ~~applicant as a voter if the applicant made such a choice or to~~  
2 ~~make changes to the qualified applicant's voter registration~~  
3 ~~information unless the applicant declined such changes. The~~  
4 ~~examiner of drivers shall electronically transmit the necessary~~  
5 ~~information to the clerk of the county in which the qualified~~  
6 ~~applicant resides, election officials, and the online voter~~  
7 ~~registration system pursuant to section 11-15.7(e).~~

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

18       ~~(c) For the purposes of this section, "qualified~~  
19 ~~applicant" means a person who qualifies to register as a voter~~  
20 ~~by law]."~~



1 SECTION 8. Section 286-117, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§286-117 Duplicate instruction permits, provisional**  
4 **licenses, and driver's licenses.** [†] (a) [†] The holder of an  
5 instruction permit, provisional license, or driver's license  
6 may, upon payment of the reasonable cost of its issuance, obtain  
7 a duplicate[†] instruction permit, provisional license, or  
8 driver's license; provided that the holder shall surrender the  
9 original instruction permit, provisional license, or driver's  
10 license or furnish satisfactory proof of loss or destruction of  
11 the same.

12 [†] (b) [†] The chief of police or a police officer shall  
13 notify a holder that the holder's instruction permit,  
14 provisional license, or driver's license is illegible and that  
15 the holder shall within ten days surrender the holder's  
16 instruction permit, provisional license, or driver's license and  
17 apply for a duplicate[†] instruction permit, provisional  
18 license, or driver's license. Upon failure to comply with a  
19 notice to surrender an illegible instruction permit, provisional  
20 license, or driver's license and apply for a duplicate[†]  
21 instruction permit, provisional license, or driver's license,



1 the person to whom the permit or license is issued shall be  
2 subject to the penalties in section 286-136.

3 (c) An application for a duplicate instruction permit,  
4 provisional license, or driver's license shall serve as a voter  
5 registration application for eligible applicants under the  
6 procedures prescribed in section 11-15.7. The examiner of  
7 drivers shall consult with the office of elections to ensure  
8 that the form contains spaces for all information required to  
9 register or preregister to vote."

10 SECTION 9. Section 286-303, Hawaii Revised Statutes, is  
11 amended by amending subsection (e) to read as follows:

12 "(e) An application for ~~an~~ a new, renewed, or duplicate  
13 identification card from the examiner of drivers shall [include  
14 the] serve as a voter registration application [required under]  
15 for eligible applicants in accordance with section 11-15.7. The  
16 director shall consult with the office of elections to ensure  
17 that the form contains spaces for all information required to  
18 register or preregister to vote."

19 SECTION 10. Section 286-303.5, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           "~~[+]§286-303.5[+]~~ **Voter registration.** [~~(a)~~] A qualified  
2 applicant for a new, [~~renewal,~~] renewed, or duplicate  
3 identification card shall automatically be registered or  
4 preregistered to vote with the clerk of the appropriate county  
5 upon completion of an application for an identification card and  
6 [~~the application for voter registration as required by]~~  
7 confirmation of eligibility pursuant to section 11-15.7 [~~if the~~  
8 ~~qualified applicant makes a choice to be registered to vote. If~~  
9 ~~already registered to vote, the qualified applicant shall be~~  
10 ~~offered the opportunity to decline any changes being made to~~  
11 ~~their name and address for voter registration purposes.~~

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



1 ~~officials, and the online voter registration system pursuant to~~  
2 ~~section 11-15.7(c).~~

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

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

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

18 "(a) All information and records acquired by the examiner  
19 of drivers under this part shall be confidential; provided that  
20 the examiner may transmit voter registration information as  
21 required under sections 11-15.7, 286-107, 286-110, 286-111, 286-



1 111.5, 286-117, 286-303, and 286-303.5 [~~286-111, and 286-303~~].

2 All information and records shall be maintained in an  
3 appropriate form and in an appropriate office in the custody and  
4 under the control of the examiner. The information shall be  
5 available only to authorized individuals under restrictions as  
6 the director shall prescribe. The examiner may dispose of any  
7 application or identification card, or information or record  
8 relating to the application or identification card, that does  
9 not include a social security number, without regard to chapter  
10 94, whenever, in the examiner's discretion, retention of the  
11 information or record is no longer required or practicable."

12 SECTION 12. Section 346-10, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14 "(a) The department and its agents shall keep records that  
15 may be necessary or proper in accordance with this chapter. All  
16 applications and records concerning any applicant or recipient  
17 shall be confidential~~[-]~~; provided that the department may  
18 transmit voter registration information as required under  
19 section 11-15.5. The use or disclosure of information  
20 concerning applicants and recipients shall be limited to:



- 1           (1) Persons duly authorized by the State or the United  
2           States in connection with their official duties, when  
3           the official duties are directly connected with the  
4           administration of any form of public assistance,  
5           medical assistance, food stamps, or social services;
- 6           (2) Purposes directly connected with any investigation,  
7           prosecution, or criminal or civil proceeding conducted  
8           in connection with the administration of any form of  
9           public assistance, food stamps, medical assistance, or  
10          social services, including disclosure by the  
11          department of information and documents to police  
12          departments, prosecutors' offices, the attorney  
13          general's office, or any other state, county, or  
14          federal agency engaged in the detection,  
15          investigation, or prosecution of violations of  
16          applicable state, county, and federal laws or  
17          regulations regarding any aspect of theft, fraud,  
18          deception, or overpayment in connection with any  
19          aspect of public assistance, food stamps, medical  
20          assistance, or social services; provided that  
21          disclosure by recipient agencies and personnel shall



- 1 be permitted under this section to the extent  
2 reasonably necessary to carry out the functions for  
3 which the information was provided;
- 4 (3) Disclosure to the extent necessary to provide services  
5 for applicants and recipients, to determine  
6 eligibility, or to determine the amount of public  
7 assistance, including verification of information  
8 provided by the recipient of public assistance,  
9 medical assistance, or food stamps, or to determine  
10 the type, kind, frequency, and amount of social  
11 services, including health and mental health related  
12 services needed;
- 13 (4) Disclosure to banks, financial institutions, or any  
14 other payor of a public assistance warrant or check of  
15 any information indicating that a public assistance  
16 warrant or check honored by the bank, institution, or  
17 payor has been forged or otherwise wrongfully  
18 presented for payment;
- 19 (5) Federal agencies responsible for the administration of  
20 federally assisted programs that provide assistance in  
21 cash or in kind for services directly to individuals



1 on the basis of need and the certification of receipt  
2 of assistance to needy families with minor dependents  
3 to an employer for purposes of claiming a tax credit  
4 under Public Law 94-12, the Tax Reduction Act of 1975,  
5 shall be permitted;

6 (6) Employees acting within the scope and course of their  
7 employment of recognized social welfare organizations  
8 as may be approved by the department;

9 (7) Purposes directly connected with any investigation,  
10 prosecution, or criminal proceeding conducted in  
11 connection with the licensure or operation of an adult  
12 day care center, including disclosure by the  
13 department of information and documents to police  
14 departments, prosecutors' offices, the attorney  
15 general's office, or any other state, county, or  
16 federal agency engaged in the detection,  
17 investigation, or prosecution of violations of  
18 applicable state, county, and federal laws or  
19 regulations;



- 1 (8) Disclosure to the child support enforcement agency for  
2 obtaining or enforcing a child support order under  
3 chapter 576D;
- 4 (9) Disclosure of a recipient's residence and business  
5 address to law enforcement officers who request  
6 information if the information is needed for an  
7 official administrative, civil, or criminal law  
8 enforcement purpose to identify a recipient as a  
9 fugitive felon or parole violator, and in cases where  
10 the information is needed for an official purpose and  
11 where the department has informed the recipient of the  
12 circumstances in which the recipient's address may be  
13 released under section 92F-19(a)(1), (3), or (4);
- 14 (10) Disclosure of reports and records relating to child  
15 abuse or neglect to the extent allowed by rules  
16 adopted under section 350-1.4; and
- 17 (11) Disclosure pursuant to a court order, after an in  
18 camera review of the records by the court, upon a  
19 showing of good cause by the party seeking the release  
20 of the records."



1 SECTION 13. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 14. This Act shall take effect on July 1, 3000.



**Report Title:**

Elections; Motor Vehicle Permits and Licenses; Identification Cards

**Description:**

Authorizes state agencies to implement automatic voter registration if designated by the Office of Elections. Requires eligible applicants for instruction permits, provisional licenses, driver's licenses, and identification cards to be automatically registered or preregistered to vote unless the applicant opts out. Effective 7/1/3000. (HD1)

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

