
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 [~~or 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 (l) 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) No person shall be issued a motorcycle instruction
16 permit unless the person successfully completes a basic
17 motorcycle rider course approved by the department of
18 transportation.

19 (c) The examiner of drivers shall examine every applicant
20 for an instruction permit. The examination shall include tests
21 of the applicant's:



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

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

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

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

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



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

4 A person who is not licensed to operate the category of
5 motor vehicles to which the driving training course applies
6 shall not operate a motor vehicle in connection with the driving
7 training course without a valid temporary instruction permit
8 unless it is a motorcycle that is being used for training
9 purposes on an enclosed state certified training range as
10 provided under administrative rules.

11 (e) Except when operating a motor scooter or motorcycle,
12 the holder of an instruction permit shall be accompanied by a
13 person who is twenty-one years of age or older and licensed to
14 operate the category of motor vehicles in which the motor
15 vehicle that is being operated belongs. The licensed person
16 shall occupy a passenger seat beside the permit holder while the
17 motor vehicle is being operated; provided that if the holder of
18 the instruction permit is under the age of eighteen years and is
19 driving between the hours of 11:00 p.m. and 5:00 a.m.:

20 (1) A licensed driver who is the permit holder's parent or
21 guardian shall occupy a passenger seat beside the



1 driver while the motor vehicle is operated, unless the
2 permit holder is an emancipated minor;

3 (2) The licensed driver shall be licensed to operate the
4 same category of motor vehicles as the motor vehicle
5 being operated by the holder of the instruction
6 permit; and

7 (3) All occupants of the motor vehicle shall be restrained
8 by a seat belt assembly or a child passenger safety
9 restraint system as required under sections 291-11.5
10 and 291-11.6, notwithstanding any other law to the
11 contrary.

12 (f) No holder of a temporary instruction permit shall
13 operate a motorcycle or a motor scooter during hours of darkness
14 or carry any passengers.

15 (g) No holder of a category 1 or 2 temporary instruction
16 permit shall have the permit renewed, nor shall the holder be
17 issued another temporary instruction permit for the same
18 purpose, unless the holder has taken the examination for a
19 category 1 or 2 license at least once before the expiration of
20 the temporary instruction permit. If the holder of a temporary
21 instruction permit fails to meet the requirements of this



1 section, the holder shall not be permitted to apply for another
2 category 1 or 2 temporary instruction permit for a period of
3 three months. Nothing in this subsection shall affect the right
4 and privilege of any holder of a category 1 or 2 temporary
5 instruction permit to obtain a temporary instruction permit or
6 driver's license for the operation of any other type of motor
7 vehicle.

8 (h) The examiner of drivers may accept an application for
9 renewal of an instruction permit no more than thirty days before
10 or ninety days after the expiration date of the instruction
11 permit, whereupon the applicant for renewal of an instruction
12 permit shall be exempt from subsection (c)(2) and (3). If an
13 application for renewal of an instruction permit is not made
14 within ninety days after the expiration date of the permit, the
15 applicant shall be treated as applying for a new instruction
16 permit and examined in accordance with subsection (c).

17 (i) Notwithstanding any other law to the contrary, the
18 examiner of drivers may issue an instruction permit to an
19 applicant with a disability who has completed a medical review
20 with [~~this~~] the State, and as a condition to licensure is
21 required to pass a road test, but has failed the road test on



1 the applicant's first attempt. The instruction permit issued
2 under this subsection may be renewed no more than thirty days
3 before or ninety days after the expiration date of the
4 instruction permit upon receiving an updated medical report.

5 Subsection (c) (2) and (3) shall not apply to the issuance or
6 renewal of an instruction permit issued under this subsection.

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

14 (j) An application for a new or renewed instruction permit
15 shall serve as a voter registration application for eligible
16 applicants under the procedures prescribed in section 11-15.7.
17 The examiner of drivers shall consult with the office of
18 elections to ensure that the form contains spaces for all
19 information required to register or preregister to vote."

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



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

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

10 "**[+]§286-111.5[+] Voter registration[-] and**
11 **preregistration.** (a) A qualified applicant for a new [øx],
12 renewed, or duplicate motor vehicle instruction permit,
13 provisional license, or driver's license shall automatically be
14 registered or preregistered to vote with the clerk of the
15 appropriate county upon completion of the instruction permit,
16 provisional license, or driver's license application and
17 [application for voter registration as required in] confirmation
18 of eligibility pursuant to section 11-15.7 [if the qualified
19 applicant makes a choice to register to vote on the application
20 form. If already registered to vote, the qualified applicant



1 ~~shall be offered the opportunity to decline any changes being~~
2 ~~made to their name and address for voter registration purposes.~~

3 ~~(b) The submission of the application for voter~~
4 ~~registration together with the license or permit application~~
5 ~~shall be deemed to authorize the examiner of drivers to collect~~
6 ~~and transmit the information necessary to register the qualified~~
7 ~~applicant as a voter if the applicant made such a choice or to~~
8 ~~make changes to the qualified applicant's voter registration~~
9 ~~information unless the applicant declined such changes. The~~
10 ~~examiner of drivers shall electronically transmit the necessary~~
11 ~~information to the clerk of the county in which the qualified~~
12 ~~applicant resides, election officials, and the online voter~~
13 ~~registration system pursuant to section 11-15.7(c).~~

14 ~~The examiner of drivers shall not transmit any information~~
15 ~~necessary to register a qualified applicant as a voter if the~~
16 ~~applicant made a choice not to be registered to vote nor~~
17 ~~transmit any information necessary to make changes to the~~
18 ~~qualified applicant's voter registration information if the~~
19 ~~applicant declined such changes. The examiner of drivers shall~~
20 ~~not transmit any information related to a voter application or~~
21 ~~changes to the applicant's voter registration information if the~~



1 ~~applicant presents a document demonstrating a lack of United~~
2 ~~States citizenship.~~

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

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

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

17 [†] (b) [†] The chief of police or a police officer shall
18 notify a holder that the holder's instruction permit,
19 provisional license, or driver's license is illegible and that
20 the holder shall within ten days surrender the holder's
21 instruction permit, provisional license, or driver's license and



1 apply for a duplicate~~[r]~~ instruction permit, provisional
2 license, or driver's license. Upon failure to comply with a
3 notice to surrender an illegible instruction permit, provisional
4 license, or driver's license and apply for a duplicate~~[r]~~
5 instruction permit, provisional license, or driver's license,
6 the person to whom the permit or license is issued shall be
7 subject to the penalties in section 286-136.

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

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

17 "(e) An application for ~~[an]~~ a new, renewed, or duplicate
18 identification card from the examiner of drivers shall ~~[include~~
19 the] serve as a voter registration application ~~[required under]~~
20 for eligible applicants in accordance with section 11-15.7. The
21 director shall consult with the office of elections to ensure



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

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

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

16 [~~b~~] ~~The submission of the application for voter~~
17 ~~registration together with the application for the~~
18 ~~identification card shall be deemed to authorize the examiner of~~
19 ~~drivers to collect and transmit the information necessary to~~
20 ~~register the qualified applicant as a voter if the applicant~~
21 ~~made such a choice or to make changes to the qualified~~



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

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

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

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



1 "(a) All information and records acquired by the examiner
2 of drivers under this part shall be confidential; provided that
3 the examiner may transmit voter registration information as
4 required under sections 11-15.7, 286-107, 286-110, 286-111, 286-
5 111.5, 286-117, 286-303, and 286-303.5~~[, 286-111, and 286-303]~~.
6 All information and records shall be maintained in an
7 appropriate form and in an appropriate office in the custody and
8 under the control of the examiner. The information shall be
9 available only to authorized individuals under restrictions as
10 the director shall prescribe. The examiner may dispose of any
11 application or identification card, or information or record
12 relating to the application or identification card, that does
13 not include a social security number, without regard to chapter
14 94, whenever, in the examiner's discretion, retention of the
15 information or record is no longer required or practicable."

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

18 "(a) The department and its agents shall keep records that
19 may be necessary or proper in accordance with this chapter. All
20 applications and records concerning any applicant or recipient
21 shall be confidential~~[]~~; provided that the department may



1 transmit voter registration information as required under
2 section 11-15.5. The use or disclosure of information
3 concerning applicants and recipients shall be limited to:

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



1 aspect of public assistance, food stamps, medical
2 assistance, or social services; provided that
3 disclosure by recipient agencies and personnel shall
4 be permitted under this section to the extent
5 reasonably necessary to carry out the functions for
6 which the information was provided;

7 (3) Disclosure to the extent necessary to provide services
8 for applicants and recipients, to determine
9 eligibility, or to determine the amount of public
10 assistance, including verification of information
11 provided by the recipient of public assistance,
12 medical assistance, or food stamps, or to determine
13 the type, kind, frequency, and amount of social
14 services, including health and mental health related
15 services needed;

16 (4) Disclosure to banks, financial institutions, or any
17 other payor of a public assistance warrant or check of
18 any information indicating that a public assistance
19 warrant or check honored by the bank, institution, or
20 payor has been forged or otherwise wrongfully
21 presented for payment;



- 1 (5) Federal agencies responsible for the administration of
2 federally assisted programs that provide assistance in
3 cash or in kind for services directly to individuals
4 on the basis of need and the certification of receipt
5 of assistance to needy families with minor dependents
6 to an employer for purposes of claiming a tax credit
7 under Public Law 94-12, the Tax Reduction Act of 1975,
8 shall be permitted;
- 9 (6) Employees acting within the scope and course of their
10 employment of recognized social welfare organizations
11 as may be approved by the department;
- 12 (7) Purposes directly connected with any investigation,
13 prosecution, or criminal proceeding conducted in
14 connection with the licensure or operation of an adult
15 day care center, including disclosure by the
16 department of information and documents to police
17 departments, prosecutors' offices, the attorney
18 general's office, or any other state, county, or
19 federal agency engaged in the detection,
20 investigation, or prosecution of violations of



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



1 showing of good cause by the party seeking the release
2 of the records."

3 SECTION 13. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 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. (HD2)

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

