A BILL FOR AN ACT
RELATING TO VOTER REGISTRATION.

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

SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended by adding four new sections to part II to be appropriately designated and to read as follows:

"§11-A Applications for driver's license or identification card. (a) Notwithstanding any law to the contrary, the affidavit application for voter registration required by section 11-15 shall be a part of the application for a driver's license under section 286-111 and the application for an identification card under section 286-303. Each application for a driver's license or identification card shall include a space to request a permanent absentee ballot.

(b) For applicants eligible to vote in this State, the application for a driver's license or an identification card shall not be processed until the applicant:

(1) Has been confirmed electronically to be a registered voter; or
(2) If not registered to vote, has applied to register to vote.

(c) If an applicant for a driver's license or an identification card is a registered voter, the application shall serve to automatically update the applicant's voter registration residence address, mailing address, or name, as applicable. The applicant shall not have the option to decline the automatic update.

(d) The examiner of drivers and the department of transportation shall indicate in their respective databases whether the holder of a driver's license or an identification card is a registered voter, in addition to any other information referred to in subsection (e).

(e) The examiner of drivers shall electronically transmit to the office of elections, on a real-time basis, the following information associated with each applicant who is a United States citizen and a registered voter:

(1) Name;

(2) Date of birth;

(3) Last four digits of the social security number;
(4) Driver's license number or identification card number;

(5) Gender;

(6) Residence address;

(7) Mailing address;

(8) Digitized signature;

(9) Electronic copy of the application;

(10) Whether the applicant chose to become a permanent absentee voter; and

(11) Other information specified by the chief election officer.

(f) Databases maintained or operated by the counties or the department of transportation containing driver's license or identification card information, including any documents or images, shall be electronically accessible by election officials and the statewide voter registration system:

(1) To allow for the timely processing of voter registration applications;

(2) To facilitate verification of information provided by online voter registration applicants under section 11-15.3;
(3) To ensure the integrity of the voter registration rolls; or

(4) For any other election purpose.

§11-B Voter registration privacy; rules. The chief election officer shall adopt rules pursuant to chapter 91 that shall:

(1) Prohibit the disclosure of information relating to persons:

(A) In an address confidentiality program;

(B) In categories designated confidential by federal or state law, including victims of domestic violence or stalking, prosecutors and law enforcement personnel, and participants in a witness protection program; and

(C) Who have applied to their county clerks for address confidentiality on the basis of concerns for safety;

(2) Prohibits public disclosure of any information not necessary to voter registration, including credit card information received in the course of an underlying
transaction with any state or county governmental agency;

(3) Protects against public disclosure of social security numbers and digits, driver's license numbers, and signatures;

(4) Prohibits public disclosure of any individual's decision to decline to register to vote;

(5) Prohibits state and county agencies from transmitting to election officials information other than that required for voter registration or specified information relevant to the administration of elections; and

(6) Prohibits state and county agencies from sharing with any federal agency information regarding citizenship or country of origin.

§11-C Protections against liability of ineligible individuals on basis of information transferred.

Notwithstanding any law to the contrary, if an ineligible individual registers to vote in this State and the record and signature of the individual is transmitted through an electronic system by a state or county agency to any elections or voter
registration authority, the individual shall not be considered
to have registered to vote; provided that if the State processes
the ineligible individual's voter registration application,
registration shall be presumed to have been effectuated and
officially authorized by the State and the individual shall not
be subject to any penalty under any relevant state or county
law.

§11-D Prevention of removal from voter registration list.

Citizens who either update or confirm their existing
registration through the automatic voter registration system
shall be considered to have engaged in voter activity and
treated as though they submitted a written confirmation of
address or new registration form to their local board of
elections. These citizens shall be removed from any lists for
removal from the active or inactive voter registration list
pursuant to Section 8 of the National Voter Registration Act."

SECTION 2. Chapter 286, Hawaii Revised Statutes, is
amended by adding a new section to part VI to be appropriately
designated and to read as follows:
"§286-A Voter registration. (a) A qualified applicant for a new or renewed motor vehicle driver's license or provisional license shall automatically be registered to vote with the clerk of the appropriate county upon completion of the license application as required in section 11-A.

(b) The submission of the application shall be deemed to authorize the examiner of drivers to collect and transmit the information necessary to register the applicant as a voter, and the examiner of drivers shall electronically transmit the necessary information to the office of elections pursuant to section 11-A(e), the clerk of the county in which the applicant resides, and to the statewide voter registration system.

(c) For the purposes of this section, "qualified applicant" means a person who is eligible by law to register as a voter in this State."

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

"§286-B Voter registration. (a) A qualified applicant for a new, renewal, or duplicate identification card shall automatically be registered to vote with the clerk of the
appropriate county upon completion of an application for
identification card as required by section 11-A.

(b) The submission of the application shall be deemed to
authorize the examiner of drivers to collect and transmit the
information necessary to register the applicant as a voter, and
the examiner of drivers shall electronically transmit the
necessary information to the office of elections pursuant to
section 11-A(e), the clerk of the county in which the applicant
resides, and to the statewide voter registration system.

(c) For the purposes of this section, "qualified
applicant" means a person who is eligible by law to register as
a voter in this State."

SECTION 4. Section 286-108, Hawaii Revised Statutes, is
amended by amending subsection (a) to read as follows:
"(a) Except as provided in section 286-107.5(a), the
examiner of drivers shall examine every applicant for a driver's
license, except as otherwise provided in this part. The
examination shall include a test of:

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

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

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

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

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

The examiner of drivers shall require every applicant to
comply with section 286-102.5.
The examiner of drivers may waive the actual demonstration
of ability to operate a motorcycle or motor scooter for any
person who furnishes evidence, to the satisfaction of the
examiner of drivers, that the person has completed the
motorcycle education course approved by the director in
accordance with section 431:10G-104.

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

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

SECTION 5. Section 286-111, Hawaii Revised Statutes, is
amended by amending subsection (d) to read as follows:

"(d) Every application shall state the full name, date of
birth, sex, occupation, veteran status if applicable (including
veterans of the Korean conflict and persons who served in the
armed forces of the Republic of Korea, who fought under the
command of the United Nations led by the United States, during
the Korean conflict and are currently United States citizens)
and desired by the applicant, social security number if the
applicant is eligible for a social security number, the
residence address, and business address, if any, of the
applicant, shall briefly describe the applicant, and shall state
whether the applicant has theretofore been licensed as a driver,
and, if so, when and in what state or country, and whether any
such license has ever been suspended or revoked, or whether an
application has ever been refused, and if so, the date of and
reason for the suspension, revocation, or refusal.

Every application for a driver's license shall include the
information required under section 11-A(a)."

SECTION 6. Section 286-303, Hawaii Revised Statutes, is
amended by amending subsection (e) to read as follows:

"(e) [The] An application for an identification card from
the examiner of drivers[,] in accordance with section 11-15, at
the time of application[,] shall [make available an application
for voter registration to every applicant for an identification
card who is eligible to register to vote] include the
information required under section 11-A(a)."

SECTION 7. Section 286-311, Hawaii Revised Statutes, is
amended by amending subsection (a) to read as follows:
"(a) [All] Except for purposes of voter registration as specified in sections 11-A, 286-A, 286-B, 286-111, and 286-303, information and records acquired by the examiner of drivers under this part shall be confidential. All information and records shall be maintained in an appropriate form and in an appropriate office in the custody and under the control of the examiner. The information shall be available only to authorized individuals under such restrictions as the director shall prescribe. The examiner may dispose of any application or identification card, or information or record relating to the application or identification card, which does not include a social security number, without regard to chapter 94, whenever, in the examiner's discretion, retention of the information or record is no longer required or practicable."

SECTION 8. In codifying the new sections added by sections 1, 2, and 3 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.
SECTION 10. This Act shall take effect on January 1, 2020.

INTRODUCED BY:

[Signatures]

JAN 23 2019
Report Title:
Voter Registration; Examiner of Drivers; Driver's Licenses; Identification Cards; DOT

Description:
Makes completion of a voter registration application affidavit a mandatory part of all driver's license and identification card applications. Automatically registers each applicant for voting. Requires sharing of information among the counties, Department of Transportation, and election personnel.

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