A BILL FOR AN ACT

RELATING TO VOTER REGISTRATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

SECTION 1. The legislature finds that voter turnout in the State remains low and continues to decline. In 2016, Hawaii had the lowest voter turnout in the United States. Only 52.6 per cent of registered Hawaii voters cast ballots in the 2018 general election. This represents a sharp decline in voter turnout over the years, as approximately ninety-three per cent of registered voters cast ballots in the State's first gubernatorial election in 1959.

Additionally, the State has a historically low rate of registering voters. According to a 2016 estimate from the United States Census Bureau, Hawaii had the lowest percentage of registered voters in the country. In 2016, only 49.8 per cent of qualified voters were registered to vote, well below the national average of 64.2 per cent. Therefore, of the 1,111,117 people in Hawaii who were qualified to vote in the 2016 election, 557,780 were not registered to vote.
The legislature also finds that states with both the highest voter registration rate and highest voter turnout have adopted automatic voter registration programs. Massachusetts, Oregon, and Colorado have all adopted automatic voter registration programs, and each of those states' voter registration rates are some of the highest in the nation, at 68.1 per cent, 67.4 per cent, and 68.2 per cent, respectively. Moreover, Massachusetts had the eighth highest voter turnout in the 2016 election at 68.1 per cent, and Oregon had the highest at 80.33 per cent.

The legislature further finds that voting is the cornerstone of American democracy and, while other states have been in the news for suppressing voters, Hawaii, by automatically registering qualified voters, can convey a message that voting is an unquestioned fundamental right that should be exercised.

Accordingly, the purpose of this Act is to establish a system for automatic voter registration in the State.

SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:
Automatic voter registration; opt-out. (a) Beginning January 1, 2020, any person who is eligible to vote under this part and properly completes and submits an application for a new or renewed motor vehicle driver's license, provisional license, instruction permit, limited purpose driver's license, limited purpose provisional driver's license, limited purpose instruction permit, or identification card shall automatically be registered to vote as provided in subsection (d).

(b) The examiner of drivers of each county shall use application forms for an original, duplicate, or change of address driver's license, provisional license, instruction permit, limited purpose driver's license, limited purpose provisional driver's license, limited purpose instruction permit, or identification card as voter registration applications. The forms shall contain spaces for all information required by section 11-15. Within five calendar days of collection, the examiner of drivers of each county shall electronically transmit the voter registration information to the clerk of the county in which the applicant resides, election officials, and the statewide voter registration system pursuant
to subsection (e); provided that the examiner of drivers shall
not transmit any information necessary to register an applicant
as a voter if that applicant affirmatively declines to be
registered to vote.

(c) The clerk of each county shall determine whether the
applicant is currently registered in the general county
register. If the applicant is not currently registered, the
clerk shall determine whether the applicant is eighteen years of
age or older and a citizen of the United States. If the
applicant is less than eighteen years of age, the clerk shall
defer the applicant until the applicant reaches eighteen years
of age to determine whether the applicant is eligible to vote.

(d) Upon determination that the applicant is eligible to
vote and not currently registered, the county clerk shall
provide written notification to the applicant of the process to
opt-out of the automatic voter registration; provided that if
the applicant does not opt out of registration within twenty-one
calendar days, the clerk shall assign a transaction number to
the registration in a manner that is substantially similar to
the numbering of affidavits as required by section 11-15(c) and
register the name of the voter in the general county register as
provided in section 11-14.

(e) Databases maintained or operated by the counties or
the department of transportation containing driver's license,
provisional license, instruction permit, or identification card
information, including any documents or images, shall be
directly accessible and provided electronically to election
officials and the statewide voter registration system to allow
for the timely processing of voter registration applications,
ensure the integrity of the voter registration rolls, and for
any other government purpose, as determined by the director of
transportation, and upon request by the chief election officer
to the director of transportation for the electronic
transmission of the information; provided that the chief
election officer shall establish and implement an information
privacy policy that:

(1) Specifies each class of internal users who shall have
authorized access to the statewide voter registration
system, specifies for each class the permissions and
levels of access to be granted, and sets forth other
safeguards to protect the privacy of the information
on the statewide voter registration system;

(2) Prohibits any disclosure or transmission of any
information not necessary to voter registration,
including credit card information received in the
course of the underlying transaction with the examiner
of drivers of each county;

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

(4) Prohibits public disclosure of an individual's
decision to not register to vote;

(5) Prohibits the examiner of drivers of each county from
transmitting to county clerks information other than
that required for voter registration or specified
information relevant to the administration of
elections;

(6) Prohibits agencies from sharing individuals'
citizenship status or information regarding country of
origin with any federal agency; and
(7) Prohibits the disclosure of information relating to persons eligible for confidentiality of record information pursuant to section 11-14.5 and informs individuals of the confidentiality protections available under section 11-14.5."

SECTION 3. 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 Automatic voter registration; driver licensing; opt-out. (a) The examiner of drivers of each county shall electronically transmit information that is required by section 11-__ (b) to the clerk of the county in which the applicant resides for all qualified applicants who properly complete and submit an application for a new or renewed motor vehicle driver's license, provisional license, instruction permit, limited purpose driver's license, limited purpose provisional driver's license, or limited purpose instruction permit.

(b) The clerk of the county in which the qualified applicant resides shall provide written notification to the applicant of the process to opt out of the automatic voter registration; provided that, upon receipt of notification from
the respective clerk, the qualified applicant shall have twenty-one calendar days to opt out of automatic voter registration pursuant to section 11- (d).

(c) For the purposes of this section, "qualified applicant" means a person who qualifies to register as a voter pursuant to section 11-15."

SECTION 4. Chapter 286, Hawaii Revised Statutes, is amended by adding a new section to part XVI to be appropriately designated and to read as follows:

"§286-B Automatic voter registration; identification card; opt-out. (a) The examiner of drivers of each county shall electronically transmit information that is required by section 11- (b) to the clerk of the county in which the applicant resides for all qualified applicants who properly complete and submit an application for an identification card pursuant to section 286-303.

(b) The clerk of the county in which the qualified applicant resides shall provide written notification to the applicant of the process to opt out of the automatic voter registration; provided that, upon receipt of notification from the respective clerk, the qualified applicant shall have twenty-
one calendar days to opt out of automatic voter registration pursuant to section 11-

(d).

(c) For the purposes of this section, "qualified applicant" means a person who qualifies to register as a voter pursuant to section 11-15."

SECTION 5. Section 11-15, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The applicant shall then affix the applicant's signature to the affidavit. In the case where an applicant is unable to write for the reason of illiteracy, blindness, or other physical disability, the applicant's mark shall be witnessed by another person who shall sign the affidavit in the space provided. A voter having once been registered shall not be required to register again for any succeeding election, except as provided in this chapter. Affidavits approved by the clerk shall thereupon be numbered appropriately, filed by the clerk, and kept available for election or government purposes in accordance with procedures established by section 11-97. Approved voter registration transactions conducted through the online voter registration system established pursuant to section 11-15.3 and automatic voter registration established pursuant to
section 11—___ shall be assigned a transaction number in a manner that is substantially similar to the numbering of affidavits."

SECTION 6. 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 7. 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, any information required for an application to register to vote pursuant to section 11-15, 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."

SECTION 8. Section 286-303, Hawaii Revised Statutes, is
amended to read as follows:

"§286-303 Application for identification card. (a)
Application for the identification card shall be made in person
by any adult or minor. The minimum age for minors to obtain an
identification card shall be ten years of age. In the case of a
minor under the age of fourteen years, the application shall be
made on the minor’s behalf by the parent, or by another
individual in loco parentis of the minor who can provide proof
of guardianship. In the case of an incompetent individual, the
application shall be made by the individual having the custody
or control of or maintaining the incompetent individual.

(b) Application for renewal of an identification card
issued after November 1, 1998, for an individual eighty years of
age or older may be done by mailing in a completed application
and fee, if there is no change in name and citizenship status.
The director shall adopt rules to allow for renewal by mail for
individuals with physical or intellectual disabilities for whom
application in person presents a serious burden. For an
individual who has a letter from a licensed primary care
provider certifying that a severe disability causes the
individual to be homebound, the director shall adopt rules
allowing for application for renewal of an identification card
under this section by means other than in-person appearance.

(c) Every application for an identification card or
duplicate of an identification card shall be made on a form
developed by the director and furnished by the examiner of
drivers, signed by the applicant, and signed by the applicant's
parent or guardian if the applicant is under eighteen years of
age. The application shall contain the following information:

(1) Name and complete address, including the number and
   street name, of the applicant's permanent residence;

(2) The applicant's occupation and any pertinent data
   relating thereto;

(3) The applicant's citizenship status;

(4) The applicant's veteran status if applicable and
   desired by the applicant;

(5) The applicant's date and place of birth;
(6) General description of the applicant, including the applicant's gender, height, weight, hair color, and eye color;

(7) The applicant's left and right index fingerprints or, if clear impressions cannot be obtained, other identifying imprints as specified by rules of the director;

(8) The social security number of the applicant; [and]

(9) A digitized frontal photograph of the applicant's full face; [and]

(10) Any additional information required for an application to register to vote pursuant to section 11-15.

Each applicant shall present documentary evidence as required by the examiner of drivers of the applicant's age and identity, and the applicant shall swear or affirm that all information given is true and correct.

(d) The application also shall state whether the applicant has an advance health-care directive. If the applicant has an advance health-care directive, the identification card shall bear the designation "AHCD".
[(c)] The examiner of drivers, in accordance with section 211-15, 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.]

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

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

SECTION 9. Section 286-311, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as provided in sections 286-A and 286-B, 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 10. There is appropriated out of the general revenues of the State of Hawaii the sum of $ or so much thereof as may be necessary for fiscal year 2019-2020 and the same sum or so much thereof as may be necessary for fiscal year 2020-2021 for the electronic transmission, receipt, and processing of voter registration information pursuant to this Act.

The sums appropriated shall be expended by the department of transportation for the purposes of this Act.

SECTION 11. In codifying the new sections added by sections 3 and 4 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 12. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.
SECTION 13. This Act shall take effect on January 1, 2020; provided that section 10 shall take effect on July 1, 2019.
H.B. NO. 1379

Jan 24 2019

[Signatures]

JAN 24 2019
Report Title:
Automatic Voter Registration; Driver's License; Identification Card; Opt-out; Appropriations

Description:
Beginning on 1/1/2020, requires that any person who is eligible to vote and applies for a new or renewed motor vehicle driver's license, provisional license, instruction permit, limited purpose driver's license, limited purpose provisional driver's license, limited purpose instruction permit, or identification card shall be automatically registered to vote if that person is not already registered to vote; provided that, upon receipt of notification from the respective county clerk, the applicant shall have 21 calendar days to opt out of automatic voter registration. Appropriates funds.

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