HOUSE OF REPRESENTATIVES
THIRTIETH LEGISLATURE, 2019
STATE OF HAWAII

H.B. NO. 1485

A BILL FOR AN ACT

RELATING TO VOTER REGISTRATION.

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

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.

In 2018, thirty-one per cent of qualified voters in the United States between the ages of eighteen to twenty-nine voted. This represented a ten per cent increase in voter turnout for the same age group from the 2016 election. Recent world events have ignited a passion in younger generations around civic engagement, and have led many sixteen and seventeen year-olds to become passionate about voting, and many would vote if given the opportunity.

The legislature further finds that voting at a young age creates and empowers lifelong voters. Data show that after an individual votes once, the individual often becomes a habitual
voter. Therefore, by facilitating the ability of those sixteen
years of age and older to preregister or register to vote, the
State will be empowering a new generation of lifelong voters.

Currently, the department of education requires students to
receive four social studies credits to graduate from a public
high school. In the course, "Participation in a Democracy,"
which is required for graduation, students explore what is meant
by actively engaging in civic duties such as voting. This
course, and civics education in general, could be enhanced by
actively engaging students in the process of voting.

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. The State allows those who are sixteen and seventeen
years old to preregister to vote, but too many of those
individuals do not know they have the option, and thus do not
preregister to vote, and often fail to register even after
turning eighteen years old.
Accordingly, the purpose of this Act is increase voter participation and encourage civic engagement in our schools by establishing a process for the automatic preregistering of public school-enrolled sixteen- and seventeen-year-olds to vote.

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:

"§11- Automatic voter registration; opt-out. (a)

Beginning January 1, 2020, any person who:

(1) Is enrolled in a public high school;

(2) Is otherwise qualified to register to vote under this part;

(3) Is at least sixteen years of age but will not be eighteen years of age by the date of the next election; and

(4) Properly completes and submits a voter registration affidavit,

shall be automatically preregistered to vote as provided in subsection (d).

(b) Between January 1 and January 31 of each year, the superintendent of education shall provide to each student who is
at least sixteen years of age but not yet eighteen years of age
a voter affidavit containing the information required by section
11-15 to allow the student to preregister to vote or to opt-out
of preregistering to vote. Within five calendar days of
collection of a completed voter registration affidavit, the
superintendent of education 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 superintendent of education shall not transmit
any information necessary to register an applicant as a voter if
that applicant affirmatively declines to preregister to vote.
(c) The clerk shall determine whether the applicant is
currently preregistered in the general county register. If the
applicant is not currently preregistered, the clerk shall
determine whether the applicant is at least sixteen years of age
but not yet eighteen years of age or older and a citizen of the
United States.
(d) Upon determination that the applicant is eligible to
preregister to vote and not currently preregistered, the clerk
shall provide written notification to the applicant of the
process to opt out of the automatic voter preregistration;
provided that if the applicant does not opt out of
preregistration by the applicant's eighteenth birthday, the
clerk shall assign a transaction number to the preregistration
in a manner that is substantially similar to the numbering of
affidavits as required by section 11-15(c), and on the
applicant's eighteenth birthday shall automatically register the
name of the voter in the general county register as provided in
section 11-14.

(e) Databases maintained or operated by the department of
education for implementation of this section 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 affidavits, ensure the
integrity of the voter registration rolls, and for any other
government purpose, as determined by the superintendent of
education, and upon request by the chief election officer to the
superintendent of education 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;

(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 not to register to vote;

(5) Prohibits the superintendent of education 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;
(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; and

(8) Prohibits the disclosure of any information that is considered to be confidential pursuant to chapter 302A."

SECTION 3. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to part II, subpart C, to be appropriately designated and to read as follows:

"§302A– Automatic voter preregistration. The board and the superintendent shall adopt policies as necessary to facilitate the preregistration of qualifying students to vote as provided in section 11–."

SECTION 4. 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 preregistration information pursuant to this Act.

The sums appropriated shall be expended by the office of elections for the purposes of this Act.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on January 1, 2020; provided that section 4 shall take effect on July 1, 2019.

INTRODUCED BY:

[Signatures]

JAN 24 2019
Report Title:
Automatic Voter Preregistration; Department of Education; Opt out; Appropriations

Description:
Beginning on 1/1/2020, provides that any public high school student who is at least sixteen years old but not yet eighteen years old, is otherwise eligible to vote, and submits a voter affidavit shall be automatically preregistered to vote if that person is not already preregistered to vote; provided that upon receipt of notification from the respective county clerk the applicant shall have until their eighteenth birthday 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.