

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO VOTING.

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

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

4           "§11-    Automatic registration. (a) An application for  
5 voter registration, including an affidavit, shall be a part of  
6 the application for issuance of an identification card under  
7 section 286-301 and the application for issuance of a driver's  
8 license under section 286-109. Each application for voter  
9 registration shall include a space to request a change of name,  
10 a change of address, and to vote by permanent absentee ballot.

11           (b) Applications for an identification card or driver's  
12 license shall not be processed until the applicant completes the  
13 portion of the application related to voter registration,  
14 including change in name or address and option to request to  
15 vote by permanent absentee ballot, or clearly indicates that the  
16 applicant declines to register to vote. Unless an applicant  
17 affirmatively declines to be registered to vote, the submission



1 of the application for the issuance of an identification card  
2 under section 286-301 and the application for a driver's license  
3 under section 286-109 shall be deemed to authorize the examiner  
4 of drivers to collect and transmit the information necessary to  
5 register the applicant as a voter, make changes to the  
6 applicant's voter registration information, or request that the  
7 applicant vote by permanent absentee ballot. The examiner of  
8 drivers shall electronically transmit the necessary information  
9 to the clerk of the county in which the applicant resides and  
10 election officials and the statewide voter registration system  
11 pursuant to subsection (d). The examiner of drivers shall not  
12 transmit any information necessary to register an applicant as a  
13 voter, change any voter registration information, or request to  
14 vote by permanent absentee ballot, if that applicant  
15 affirmatively declines to be registered to vote.

16 (c) Upon receipt of the completed voter registration  
17 application transmitted from the examiner of drivers, the clerk  
18 shall review and either approve or reject the voter registration  
19 application in accordance with this part; provided that approved  
20 voter registration applications received from the examiner of  
21 drivers pursuant to this section shall be treated as having a



1 valid signature for purposes of section 11-15(c) whether  
2 transmitted electronically or by facsimile transmission. Upon  
3 approval of the voter registration application, including a  
4 request for change of voter registration information, the clerk  
5 shall proceed to number the application and register the name of  
6 the voter in the general county register as provided in section  
7 11-14 or, as the case may be, make changes to the voter's  
8 existing voter registration information or register the voter to  
9 vote by permanent absentee ballot.

10 (d) Databases maintained or operated by the counties or  
11 the department of transportation containing driver's license or  
12 identification card information, including any documents or  
13 images, shall be directly accessible and provided electronically  
14 to election officials and the statewide voter registration  
15 system to allow for the timely processing of voter applications,  
16 ensure the integrity of the voter registration polls, and for  
17 any other government purpose, as determined by the chief  
18 election officer."

19 SECTION 2. Chapter 286, Hawaii Revised Statutes, is  
20 amended by adding a new section to part VI to be appropriately  
21 designated and to read as follows:



1       "§286-A Voter registration. (a) A qualified applicant  
2 for a new or renewed motor vehicle driver's license, provisional  
3 license, or instruction permit shall automatically be registered  
4 to vote with the clerk of the appropriate county upon completion  
5 of the license or permit application and the affidavit and  
6 application for voter registration as required in section 11-  
7 unless the applicant affirmatively declines, on the application  
8 form, to be registered to vote. The qualified applicant may  
9 request on the same form that a change be made to the  
10 applicant's name or address in the case of existing voter  
11 registration information, and may also request to vote by  
12 permanent absentee ballot.

13       (b) Unless an applicant affirmatively declines to be  
14 registered to vote, the submission of the affidavit and  
15 application for voter registration together with the license or  
16 permit application shall be deemed to authorize the examiner of  
17 drivers to collect and transmit the information necessary to  
18 register the applicant as a voter, make changes to the  
19 applicant's voter registration information, or register the  
20 applicant to vote by permanent absentee ballot, and the examiner  
21 of drivers shall electronically transmit the necessary



1 information to the clerk of the county in which the applicant  
2 resides and election officials and the statewide voter  
3 registration system pursuant to section 11- (d). The examiner  
4 of drivers shall not transmit any information necessary to  
5 register an applicant as a voter if that applicant affirmatively  
6 declines to be registered to vote.

7 (c) For the purposes of this section, "qualified  
8 applicant" means a person who qualifies to register as a voter  
9 by law."

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

13 "§286-B Voter registration. (a) A qualified applicant  
14 for a new, renewal, or duplicate identification card shall  
15 automatically be registered to vote with the clerk of the  
16 appropriate county upon completion of an application for  
17 identification card and the affidavit and application for voter  
18 registration as required by section 11- unless the applicant  
19 affirmatively declines, on the application form, to be  
20 registered to vote. The qualified applicant may request on the  
21 same form that a change be made to the applicant's name or



1 address in the case of existing voter registration information,  
2 and may also request to vote by permanent absentee ballot.

3 (b) Unless an applicant affirmatively declines to be  
4 registered to vote, the submission of the affidavit and  
5 application for voter registration together with the application  
6 for the identification card shall be deemed to authorize the  
7 examiner of drivers to collect and transmit the information  
8 necessary to register the applicant as a voter, make changes to  
9 the applicant's voter registration information, or register the  
10 applicant to vote by permanent absentee ballot, and the examiner  
11 of drivers shall electronically transmit the necessary  
12 information to the clerk of the county in which the applicant  
13 resides and election officials and the statewide voter  
14 registration system pursuant to section 11- (d). The examiner  
15 of drivers shall not transmit any information necessary to  
16 register an applicant as a voter if that applicant affirmatively  
17 declines to be registered to vote.

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 4. Section 286-108, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) Except as provided in section 286-107.5(a), the  
4 examiner of drivers shall examine every applicant for a driver's  
5 license, except as otherwise provided in this part. The  
6 examination shall include a test of:

- 7 (1) The applicant's eyesight and any further physical  
8 examination that the examiner of drivers finds  
9 necessary to determine the applicant's fitness to  
10 operate a motor vehicle safely upon the highways;
- 11 (2) The applicant's ability to understand highway signs  
12 regulating, warning, and directing traffic;
- 13 (3) The applicant's knowledge of the rules of the road  
14 based on the traffic laws of the State and the traffic  
15 ordinances of the county where the applicant resides  
16 or intends to operate a motor vehicle; provided that  
17 the examination shall specifically test the  
18 applicant's knowledge of the provisions of section  
19 291C-121.5 and section 291C-137; and



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

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

7           The examiner of drivers shall require every applicant to  
8 comply with section 286-102.5.

9           The examiner of drivers may waive the actual demonstration  
10 of ability to operate a motorcycle or motor scooter for any  
11 person who furnishes evidence, to the satisfaction of the  
12 examiner of drivers, that the person has completed the  
13 motorcycle education course approved by the director in  
14 accordance with section 431:10G-104.

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

18           For the purposes of this section, the term "applicant" does  
19 not include any person reactivating a license under section  
20 286-107.5(a)."





1 SECTION 5. Section 286-109, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§286-109 General provision governing the issuance of  
4 licenses. (a) Upon payment of the required fee and upon  
5 demonstrating the ability to operate a certain category or  
6 categories of motor vehicles to the satisfaction of the examiner  
7 of drivers, an applicant for a driver's license shall be issued  
8 a single license of a design approved by the director of  
9 transportation upon which is made a notation of:

- 10 (1) The category or categories of motor vehicles the  
11 applicant may operate;
- 12 (2) Any restrictive provisions to which the license is  
13 subject;
- 14 (3) Veteran status, if desired by the applicant; provided  
15 that the notation shall be on the front of the license  
16 and shall not include any designation other than the  
17 term "veteran"; and
- 18 (4) When the license is issued to a person under twenty-  
19 one years of age, a statement, in clearly legible  
20 print that shall contrast with the other information  
21 appearing on the license, which indicates the date on



1           which the person will attain the age of twenty-one  
2           years.

3 As used in this subsection, "veteran" means any person who  
4 served in any of the uniformed services of the United States,  
5 including veterans of the Korean conflict and persons who served  
6 in the armed forces of the Republic of Korea, who fought under  
7 the command of the United Nations led by the United States,  
8 during the Korean conflict and are currently United States  
9 citizens, and was discharged under conditions other than  
10 dishonorable.

11           (b) The examiner of drivers shall not issue or renew any  
12 driver's license using the driver's social security number on  
13 the driver's license.

14           (c) Statutes of limitations and other provisions of this  
15 chapter notwithstanding, no driver's license or instruction  
16 permit shall be issued or renewed under this section, where the  
17 examiner of drivers is notified by the district judge, traffic  
18 violations bureaus of the district courts, or the judge of the  
19 circuit court that the applicant has failed to respond to a  
20 traffic citation or summons, or failed to appear in court after  
21 an arrest for the violation of any traffic laws of a county,



1 this chapter or chapter 286G, 287, 290, 291, or 291C, or of any  
2 motor vehicle insurance laws under article 10C of chapter 431,  
3 or of any motorcycle or motor scooter insurance laws under  
4 article 10G of chapter 431, and the same remains delinquent and  
5 outstanding, or the applicant, has as of the time of the  
6 application, failed to comply in full with all orders of the  
7 court; provided that the district court with whose order an  
8 applicant has failed to comply in full, may approve the issuance  
9 or renewal of a driver's license or instruction permit other  
10 than a commercial driver's license upon conditions imposed by  
11 the court for the satisfaction of the outstanding court order  
12 and any other conditions as may be imposed by the court, if one  
13 or more of the following conditions are met:

14 (1) The applicant is gainfully employed in a position that  
15 requires driving and will be discharged if the  
16 applicant is unable to drive; or

17 (2) The applicant has no access to alternative  
18 transportation and therefore must drive to work;

19 provided further that if the applicant has failed to comply in  
20 full with orders of the district court of more than one circuit,  
21 the applicant shall obtain the approval of the district court of



1 each circuit in which the applicant has an outstanding court  
2 order before a driver's license or instruction permit may be  
3 issued or renewed under this subsection.

4 A driver's license or instruction permit issued or renewed  
5 under this subsection shall be subject to immediate suspension  
6 by the court upon the applicant's failure to remain in full  
7 compliance with all conditions imposed by the court for the  
8 issuance or renewal of the driver's license or instruction  
9 permit. The examiner of drivers may place an indication of  
10 restriction upon a driver's license or instruction permit issued  
11 or renewed under this subsection. Proof of financial  
12 responsibility under section 287-20 shall not apply to the  
13 issuance or renewal of driver's licenses or instruction permits  
14 under this subsection.

15 (d) An application for a driver's license shall include  
16 the affidavit and voter registration application required under  
17 section 11- ."

18 SECTION 6. Section 286-301, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "[+] §286-301[+] Issuance of identification card or  
21 temporary card. (a) To obtain an identification card from the



1 examiner of drivers, an individual shall complete an application  
2 pursuant to section 286-303.

3 (b) The examiner of drivers, upon receipt of the  
4 application by any individual who is a resident or a temporary  
5 resident of this State, shall issue an identification card to  
6 that individual upon receipt of any appropriate fee established  
7 pursuant to section 286-309.

8 (c) The identification card shall be similar in size,  
9 shape, and design to a driver's license, but shall not entitle  
10 the individual to whom it is issued to operate a motor vehicle.

11 (d) The issuance of an identification card pursuant to  
12 this section shall not place upon the State of Hawaii or any  
13 agency any liability for the misuse or the acceptance of the  
14 identification card as valid identification, which shall be left  
15 entirely to the discretion of any individual to whom such card  
16 is presented.

17 (e) An application for an identification card from the  
18 examiner of drivers shall include the affidavit and voter  
19 registration application required under section 11- ."



1 SECTION 7. Section 286-311, Hawaii Revised Statutes, is  
2 amended by amending its title and subsection (a) to read as  
3 follows:

4 "[+]§286-311[+] Custody and use of records; confidential  
5 information. (a) All information and records acquired by the  
6 examiner of drivers under this part shall be confidential[-];  
7 provided that the examiner may transmit voter registration  
8 information as required under sections 286-A, 286-B, 286-109,  
9 and 286-301. All information and records shall be maintained in  
10 an appropriate form and in an appropriate office in the custody  
11 and under the control of the examiner. The information shall be  
12 available only to authorized individuals under such restrictions  
13 as the director shall prescribe. The examiner may dispose of  
14 any application or identification card, or information or record  
15 relating to the application or identification card, which does  
16 not include a social security number, without regard to chapter  
17 94, whenever, in the examiner's discretion, retention of the  
18 information or record is no longer required or practicable."

19 SECTION 8. The examiner of drivers in each county shall  
20 cooperate with the office of elections to develop such forms,



# S.B. NO. 412

1 applications, and affidavits necessary to effect the purposes of  
2 this Act.

3 SECTION 9. In codifying the new sections added by sections  
4 2 and 3 of this Act, the revisor of statutes shall substitute  
5 appropriate section numbers for the letters used in designating  
6 the new sections in this Act.

7 SECTION 10. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 11. This Act shall take effect upon January 1,  
10 2020.

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# S.B. NO. 412

**Report Title:**

Automatic Voter Registration; Driver's License; Provisional License; Instruction Permit; Identification Card; Affirmative Opt-out

**Description:**

Requires that any person who is eligible to vote and applies for a new or renewal motor vehicle driver's license, provisional license, or instruction permit, or a new, renewal, or duplicate identification card be automatically registered to vote if that person is not already registered to vote unless the applicant affirmatively declines to be registered to vote. Authorizes access to and electronic transmission of databases maintained or operated by the counties or the department of transportation containing driver's license or identification card information to election officials and the statewide voter registration system. Effective 1/1/2020.

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