A BILL FOR AN ACT

RELATING TO VOTING.

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

SECTION 1. 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 registration. (a) An application for voter registration, including an affidavit, shall be a part of the application for issuance of an identification card under section 286-301 and the application for issuance of a driver's license under section 286-109. Each application for voter registration shall include a space to request a change of name, a change of address, and to vote by permanent absentee ballot.

(b) Applications for an identification card or driver's license shall not be processed until the applicant completes the portion of the application related to voter registration, including change in name or address and option to request to vote by permanent absentee ballot, or clearly indicates that the applicant declines to register to vote. Unless an applicant affirmatively declines to be registered to vote, the submission
of the application for the issuance of an identification card
under section 286-301 and the application for a driver's license
under section 286-109 shall be deemed to authorize the examiner
of drivers to collect and transmit the information necessary to
register the applicant as a voter, make changes to the
applicant's voter registration information, or request that the
applicant vote by permanent absentee ballot. The examiner of
drivers shall electronically transmit the necessary information
to the clerk of the county in which the applicant resides and
election officials and the statewide voter registration system
pursuant to subsection (d).

The examiner of drivers shall not transmit any information
necessary to register an applicant as a voter, change any voter
registration information, or request to vote by permanent
absentee ballot, if that applicant affirmatively declines to be
registered to vote. The examiner of drivers shall not
electronically transmit any information, if that applicant
affirmatively declines for the information to be transmitted.

(c) Upon receipt of the completed voter registration
application transmitted from the examiner of drivers, the clerk
shall review and either approve or reject the voter registration
application in accordance with this part; provided that approved
voter registration applications received from the examiner of
drivers pursuant to this section shall be treated as having a
valid signature for purposes of section 11-15(c) whether
transmitted electronically or by facsimile transmission. Upon
approval of the voter registration application, including a
request for change of voter registration information, the clerk
shall proceed to number the application and register the name of
the voter in the general county register as provided in section
11-14 or, as the case may be, make changes to the voter's
existing voter registration information or register the voter to
vote by permanent absentee ballot.

(d) 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 directly accessible and provided electronically
to election officials and the statewide voter registration
system to allow for the timely processing of voter applications,
ensure the integrity of the voter registration polls, and for
any other voter registration or election purposes, as determined
by the chief election officer."
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, provisional license, or instruction permit shall automatically be registered to vote with the clerk of the appropriate county upon completion of the license or permit application and the affidavit and application for voter registration as required in section 11- unless the applicant affirmatively declines, on the application form, to be registered to vote. The qualified applicant may request on the same form that a change be made to the applicant's name or address in the case of existing voter registration information, and may also request to vote by permanent absentee ballot.

(b) Unless an applicant affirmatively declines to be registered to vote, the submission of the affidavit and application for voter registration together with the license or permit application shall be deemed to authorize the examiner of drivers to collect and transmit the information necessary to register the applicant as a voter, make changes to the
applicant's voter registration information, or register the
applicant to vote by permanent absentee ballot, and the examiner
of drivers shall electronically transmit the necessary
information to the clerk of the county in which the applicant
resides and election officials and the statewide voter
registration system pursuant to section 11-(d).

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. The examiner
of drivers shall not electronically transmit any information, if
that applicant affirmatively declines for the information to be
transmitted.

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

SECTION 3. 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 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 and the affidavit and application for voter
registration as required by section 11- unless the applicant
affirmatively declines, on the application form, to be
registered to vote. The qualified applicant may request on the
same form that a change be made to the applicant's name or
address in the case of existing voter registration information,
and may also request to vote by permanent absentee ballot.

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

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

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 286-109, Hawaii Revised Statutes, is amended to read as follows:

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

(1) The person's full legal name, date of birth, gender designation, residence address, and license number;

(2) The category or categories of motor vehicles the applicant may operate;

(3) Any restrictive provisions to which the license is subject;
(4) Veteran status, if desired by the applicant; provided that the notation shall be on the front of the license and shall not include any designation other than the term "veteran"; and

(5) When the license is issued to a person under twenty-one years of age, a statement, in clearly legible print that shall contrast with the other information appearing on the license, which indicates the date on which the person will attain the age of twenty-one years.

As used in this subsection:

"Gender designation" includes the options of F, M, or X.

"Veteran" means any person who served in any of the uniformed services of the United States, 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 was discharged under conditions other than dishonorable.
(b) The examiner of drivers shall not issue or renew any driver's license using the driver's social security number on the driver's license.

(c) Statutes of limitations and other provisions of this chapter notwithstanding, no driver's license or instruction permit shall be issued or renewed under this section, where the examiner of drivers is notified by the district judge, traffic violations bureaus of the district courts, or the judge of the circuit court that the applicant has failed to respond to a traffic citation or summons, or failed to appear in court after an arrest for the violation of any traffic laws of a county, this chapter or chapter 286G, 287, 290, 291, or 291C, or of any motor vehicle insurance laws under article 10C of chapter 431, or of any motorcycle or motor scooter insurance laws under article 10G of chapter 431, and the same remains delinquent and outstanding, or the applicant, has as of the time of the application, failed to comply in full with all orders of the court; provided that the district court with whose order an applicant has failed to comply in full, may approve the issuance or renewal of a driver's license or instruction permit other than a commercial driver's license upon conditions imposed by
the court for the satisfaction of the outstanding court order
and any other conditions as may be imposed by the court, if one
or more of the following conditions are met:

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

(2) The applicant has no access to alternative
transportation and therefore must drive to work;
provided further that if the applicant has failed to comply in
full with orders of the district court of more than one circuit,
the applicant shall obtain the approval of the district court of
each circuit in which the applicant has an outstanding court
order before a driver's license or instruction permit may be
issued or renewed under this subsection.

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

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

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

"[4]§286-301[4]  Issuance of identification card or temporary card. (a) To obtain an identification card from the examiner of drivers, an individual shall complete an application pursuant to section 286-303.

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

(c) The identification card shall be similar in size, shape, and design to a driver's license, but shall not entitle the individual to whom it is issued to operate a motor vehicle.
H.B. NO. 2119

SECTION 5. Section 286-311, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

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

SECTION 7. Section 286-311, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

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

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

"(a) All information and records acquired by the examiner of drivers under this part shall be confidential[[-]]; provided that the examiner may transmit voter registration information as required under sections 286-A, 286-B, 286-109, and 286-301. 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. The examiner of drivers in each county shall
cooperate with the office of elections to develop such forms,
applications, and affidavits necessary to effect the purposes of
this Act.

SECTION 9. In codifying the new sections added by sections
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 10. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 11. This Act shall take effect on July 1, 2050.
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. Allows an applicant to affirmatively decline to have any of the applicant's information electronically transmitted. 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 7/1/2050. (HD1)

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