

JAN 26 2011

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# A BILL FOR AN ACT

RELATING TO ELECTIONS.

**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-A Automatic registration. (a) Any person who  
5 properly completes an application for a new or renewed driver's  
6 license, provisional license, instructional permit, or state  
7 identification card, and who is eligible to vote under this  
8 part, shall be registered to vote as provided in subsection (c).

9           (b) The examiner of drivers of each county and the  
10 attorney general shall use application forms for an original,  
11 duplicate, or change of address driver's license, provisional  
12 license, instructional permit, or state identification card that  
13 may also serve as voter registration applications. The forms  
14 must contain spaces for all information collected by voter  
15 registration applications as required by section 11-15(a). The  
16 examiner of drivers of each county and the attorney general  
17 shall transmit the information to the clerk of the county in  
18 which the applicant resides.



1        (c) The clerk shall determine whether the applicant is  
2 currently registered in the general county register. If the  
3 applicant is not currently registered, the clerk shall determine  
4 whether the applicant is eighteen years of age or older and a  
5 citizen of the United States. If the applicant is less than  
6 eighteen years of age, the clerk shall wait until the applicant  
7 has turned eighteen years of age to determine whether the  
8 applicant is eligible to vote. Upon determination that the  
9 applicant is eligible to vote, the clerk shall number the  
10 applicant's voter information and register the name of the voter  
11 in the general county register as provided in section 11-15."

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

15        "§286-A Voter registration. (a) A qualified applicant  
16 for a motor vehicle driver's license, provisional license, or  
17 instructional permit shall be registered to vote with the clerk  
18 of the appropriate county upon completion of an application for  
19 a driver's license, provisional license, or instructional permit  
20 as required in section 11-A.

21        (b) Every qualified applicant identified in subsection (a)  
22 shall be required to authorize the examiner of drivers to



1 collect and transmit the necessary personal information required  
2 for registering the qualified applicant with the county clerk.  
3 The examiner of drivers shall notify all qualified applicants  
4 identified in subsection (a) that by submitting an application  
5 for a driver's license, provisional license, or instructional  
6 permit, the qualified applicant is consenting to registration to  
7 vote with the county clerk.

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

11 SECTION 3. Chapter 846, Hawaii Revised Statutes, is  
12 amended by adding a new section to part II to be appropriately  
13 designated and to read as follows:

14 "§846-A Voter registration. (a) A qualified applicant  
15 for a certificate of identification shall be registered to vote  
16 with the clerk of the appropriate county upon completion of an  
17 application for a certificate of identification as required in  
18 section 11-A.

19 (b) Every qualified applicant identified in subsection (a)  
20 shall be required to authorize the attorney general to collect  
21 and transmit the necessary personal information required for  
22 registering the qualified applicant with the county clerk. The



1 attorney general shall notify all qualified applicants  
2 identified in subsection (a) that by submitting an application  
3 for a certificate of identification, the qualified applicant is  
4 consenting to registration to vote with the county clerk.

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

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

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

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

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

20 (3) The applicant's knowledge of the rules of the road  
21 based on the traffic laws of the State and the traffic  
22 ordinances of the county where the applicant resides



1 or intends to operate a motor vehicle; provided that  
2 the examination shall specifically test the  
3 applicant's knowledge of the provisions of section  
4 291C-121.5; and

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

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

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

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

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



1 For the purposes of this section, the term "applicant" does  
2 not include any person reactivating a license under section  
3 286-107.5(a)."

4 SECTION 5. Section 846-35, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6 "(a) [~~All~~] Except as provided in section 846-A,  
7 information and records acquired by the department of the  
8 attorney general under this part shall be confidential. All  
9 information and records shall be maintained in an appropriate  
10 form and in an appropriate office in the custody and under the  
11 control of the department, which shall at all times be kept  
12 separate from any similar records relating to the identification  
13 of criminals. The information shall be available only to  
14 authorized persons in the department, and such other persons or  
15 agencies as the attorney general shall authorize, under such  
16 restrictions as the attorney general shall prescribe. The  
17 attorney general may dispose of any application or certificate  
18 of registration, or information or record relating to such  
19 application or certificate of registration, which does not  
20 include a social security number, without regard to the  
21 provisions of chapter 94, whenever, in the attorney general's



1 discretion, retention of such information or record is no longer  
2 required or practicable."

3 SECTION 6. In codifying the new sections added by sections  
4 1, 2, and 3 of this Act, the revisor of statutes shall  
5 substitute appropriate section numbers for the letters used in  
6 designating the new sections in this Act.

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

9 SECTION 8. This Act shall take effect on January 1, 2012.

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INTRODUCED BY:

*Madison J.*

*Carol Johnson*  
*Randy de Paul*



**Report Title:**

Automatic Voter Registration

**Description:**

Requires that all applicants for driver's licenses or state identification cards, if determined to be eligible, be automatically registered to vote.

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

