
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-A Voter registration via application for a driver's
5 license or civil identification card. (a) Notwithstanding any
6 law to the contrary, an affidavit on application for voter
7 registration shall be a part of the application associated with
8 the issuance of a civil identification card under section 286-
9 301 and a driver's license under section 286-109.

10 (b) Applications for a civil identification card or
11 driver's license shall not be processed until the applicant
12 either clearly indicates on the application that the applicant
13 declines to register to vote or completes the portion of the
14 application related to voter registration. Each application
15 shall include an option to request a permanent absentee ballot.

16 (c) The examiner of drivers of each county shall transmit
17 the voter registration application information provided by



1 applicants for a civil identification card or driver's license
2 to the clerk of the county in which the applicant resides. Upon
3 receipt of the information transmitted from the examiner of
4 drivers, the county clerk shall review and either approve or
5 reject the voter registration application in accordance with
6 this part; provided that approved voter registration
7 applications received from the examiner of drivers pursuant to
8 this section shall be treated as having a valid signature for
9 purposes of section 11-15(c) whether transmitted electronically
10 or by facsimile transmission. Upon approval of the voter
11 registration application, the clerk shall proceed to number and
12 file the application as provided in section 11-15 and register
13 the name of the voter in the general county register."

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

17 "§286-A Voter registration. (a) Pursuant to section 11-A
18 and subject to subsection (b), if a qualified applicant for a
19 motor vehicle driver's license, provisional license, or
20 instructional permit opts to register to vote when applying for
21 a driver's license, provisional license, or instructional



1 permit, the voter registration information shall automatically
2 be transmitted to the clerk of the appropriate county upon
3 completion of the application for a driver's license,
4 provisional license, or instructional permit.

5 (b) No qualified applicant shall be registered to vote
6 pursuant to the process established under subsection (a) and
7 section 11-A unless the qualified applicant first authorizes the
8 examiner of drivers to collect and transmit the necessary
9 personal information required for registering the qualified
10 applicant with the county clerk.

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

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

17 "§286-B Voter registration. (a) Pursuant to section 11-A
18 and subject to subsection (b), if a qualified applicant for a
19 new, renewal, or duplicate civil identification card opts to
20 register to vote when applying for a new, renewal, or duplicate
21 civil identification card, the voter registration information



1 shall automatically be transmitted to the clerk of the
2 appropriate county upon completion of the application for a new,
3 renewal, or duplicate civil identification card.

4 (b) No qualified applicant shall be registered to vote
5 pursuant to the process established under subsection (a) and
6 section 11-A unless the qualified applicant first authorizes the
7 examiner of drivers to collect and transmit the necessary
8 personal information required for registering the qualified
9 applicant with the county clerk.

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

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

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

19 (1) The applicant's eyesight and any further physical
20 examination that the examiner of drivers finds



- 1 necessary to determine the applicant's fitness to
2 operate a motor vehicle safely upon the highways;
- 3 (2) The applicant's ability to understand highway signs
4 regulating, warning, and directing traffic;
- 5 (3) The applicant's knowledge of the rules of the road
6 based on the traffic laws of the State and the traffic
7 ordinances of the county where the applicant resides
8 or intends to operate a motor vehicle; provided that
9 the examination shall specifically test the
10 applicant's knowledge of the provisions of section
11 291C-121.5 and section 291C-137; and
- 12 (4) The actual demonstration of ability to exercise
13 ordinary and reasonable control in the operation of a
14 motor vehicle.

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

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

20 The examiner of drivers may waive the actual demonstration
21 of ability to operate a motorcycle or motor scooter for any



1 person who furnishes evidence, to the satisfaction of the
2 examiner of drivers, that the person has completed the
3 motorcycle education course approved by the director in
4 accordance with section 431:10G-104.

5 ~~[At the time of examination, an application for veter~~
6 ~~registration by mail shall be made available to every applicant~~
7 ~~for a driver's license.]~~

8 For the purposes of this section, the term "applicant" does
9 not include any person reactivating a license under section
10 286-107.5(a)."

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

13 **"§286-109 General provision governing the issuance of**
14 **licenses.** (a) Upon payment of the required fee and upon
15 demonstrating the ability to operate a certain category or
16 categories of motor vehicles to the satisfaction of the examiner
17 of drivers, an applicant for a driver's license shall be issued
18 a single license of a design approved by the director of
19 transportation upon which is made a notation of:

20 (1) The category or categories of motor vehicles the
21 applicant may operate;



- 1 (2) Any restrictive provisions to which the license is
- 2 subject;
- 3 (3) Veteran status, if desired by the applicant; provided
- 4 that the notation shall be on the front of the license
- 5 and shall not include any designation other than the
- 6 term "veteran"; and
- 7 (4) When the license is issued to a person under twenty-
- 8 one years of age, a statement, in clearly legible
- 9 print that shall contrast with the other information
- 10 appearing on the license, which indicates the date on
- 11 which the person will attain the age of twenty-one
- 12 years.

13 As used in this subsection, "veteran" means any person who
14 served in any of the uniformed services of the United States and
15 was discharged under conditions other than dishonorable.

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

19 (c) Statutes of limitations and other provisions of this
20 chapter notwithstanding, no driver's license or instruction
21 permit shall be issued or renewed under this section, where the



1 examiner of drivers is notified by the district judge, traffic
2 violations bureaus of the district courts, or the judge of the
3 circuit court that the applicant has failed to respond to a
4 traffic citation or summons, or failed to appear in court after
5 an arrest for the violation of any traffic laws of a county,
6 this chapter or chapter 286G, 287, 290, 291, or 291C, or of any
7 motor vehicle insurance laws under article 10C of chapter 431,
8 or of any motorcycle or motor scooter insurance laws under
9 article 10G of chapter 431, and the same remains delinquent and
10 outstanding, or the applicant, has as of the time of the
11 application, failed to comply in full with all orders of the
12 court; provided that the district court with whose order an
13 applicant has failed to comply in full, may approve the issuance
14 or renewal of a driver's license or instruction permit other
15 than a commercial driver's license upon conditions imposed by
16 the court for the satisfaction of the outstanding court order
17 and any other conditions as may be imposed by the court, if one
18 or more of the following conditions are met:

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



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

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

20 (d) An application for a driver's license shall include
21 the information required under section 11-A."



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

3 "[+]§286-301[+] Issuance of identification card or
4 temporary card. (a) To obtain an identification card from the
5 examiner of drivers, an individual shall complete an application
6 pursuant to section 286-303.

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

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

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



1 (e) An application for an identification card from the
2 examiner of drivers shall include the information required under
3 section 11-A."

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

7 "[~~§~~286-311] Custody and use of records; confidential
8 information. (a) [~~All~~] Except for purposes of sections 286-A,
9 286-B, 286-109, and 286-301, information and records acquired by
10 the examiner of drivers under this part shall be confidential.
11 All information and records shall be maintained in an
12 appropriate form and in an appropriate office in the custody and
13 under the control of the examiner. The information shall be
14 available only to authorized individuals under such restrictions
15 as the director shall prescribe. The examiner may dispose of
16 any application or identification card, or information or record
17 relating to the application or identification card, which does
18 not include a social security number, without regard to chapter
19 94, whenever, in the examiner's discretion, retention of the
20 information or record is no longer required or practicable."



1 SECTION 8. In codifying the new sections added by sections
 2 1, 2, and 3 of this Act, the revisor of statutes shall
 3 substitute appropriate section numbers for the letters used in
 4 designating the new sections in this Act.

5 SECTION 9. Statutory material to be repealed is bracketed
 6 and stricken. New statutory material is underscored.

7 SECTION 10. This Act shall take effect upon its approval.
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H.B. NO. 1593

Report Title:

Automatic Voter Registration

Description:

Requires qualified applicants for a new or renewed driver's license or civil identification card to either provide information to automatically register the applicant to vote or to clearly decline to register 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.

