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

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

15 (c) The examiner of drivers of each county shall transmit
16 the completed affidavit on application for voter registration
17 information to the clerk of the county in which the applicant



1 resides. Upon receipt of the completed affidavit transmitted
2 from the examiner of drivers, the county clerk shall review and
3 either approve or reject the voter registration affidavit in
4 accordance with this part; provided that approved voter
5 registration affidavits received from the examiner of drivers
6 pursuant to this section shall be treated as having a valid
7 signature for purposes of section 11-15(c) whether transmitted
8 electronically or by facsimile transmission. Upon approval of
9 the voter registration affidavit, the clerk shall proceed to
10 number the affidavit and register the name of the voter in the
11 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) If an applicant for a
16 motor vehicle driver's license, provisional license, or
17 instructional permit opts to register to vote as provided under
18 section 11-A, when applying for a driver's license, provisional
19 license, or instructional permit, the voter registration
20 affidavit shall automatically be transmitted to the clerk of the
21 appropriate county upon completion of the application for a



1 driver's license, provisional license, or instructional permit
2 as required in section 11-A.

3 (b) Every applicant who opts to register to vote pursuant
4 to the process established under this section and section 11-A
5 shall be required to authorize the examiner of drivers to
6 collect and transmit the necessary personal information required
7 for voter registration to the county clerk. The examiner of
8 drivers shall notify all applicants who opt to register to vote
9 pursuant to the process established under this section and
10 section 11-A that, by opting to register to vote through an
11 affidavit submitted on an application for a driver's license,
12 provisional license, or instructional permit, the applicant
13 consents to collection of the necessary personal information and
14 its transmission to the county clerk."

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

18 "§286-B Voter registration. (a) If an applicant for a
19 new, renewal, or duplicate civil identification card opts to
20 register to vote as provided under section 11-A when applying
21 for a new, renewal, or duplicate civil identification card, the



1 voter registration affidavit shall automatically be transmitted
2 to the clerk of the appropriate county upon completion of the
3 application for a civil identification card as required by
4 section 11-A.

5 (b) Every applicant who opts to register to vote pursuant
6 to the process established under this section and section 11-A
7 shall be required to authorize the examiner of drivers to
8 collect and transmit the necessary personal information required
9 for voter registration to the county clerk. The examiner of
10 drivers shall notify all applicants who opt to register to vote
11 pursuant to the process established under this section and
12 section 11-A that, by opting to register to vote through an
13 affidavit submitted on an application for a new, renewal, or
14 duplicate civil identification card, the applicant consents to
15 the collection of the necessary information and its transmission
16 to the county clerk."

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

19 "(a) Except as provided in section 286-107.5(a), the
20 examiner of drivers shall examine every applicant for a driver's



1 license, except as otherwise provided in this part. The
2 examination shall include a test of:

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

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



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

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

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

12 For the purposes of this section, the term "applicant" does
13 not include any person reactivating a license under section
14 286-107.5(a)."

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

17 "§286-109 General provision governing the issuance of
18 licenses. (a) Upon payment of the required fee and upon
19 demonstrating the ability to operate a certain category or
20 categories of motor vehicles to the satisfaction of the examiner
21 of drivers, an applicant for a driver's license shall be issued



1 a single license of a design approved by the director of
2 transportation upon which is made a notation of:

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

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



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

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



1 the court for the satisfaction of the outstanding court order
2 and any other conditions as may be imposed by the court, if one
3 or more of the following conditions are met:

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

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

15 A driver's license or instruction permit issued or renewed
16 under this subsection shall be subject to immediate suspension
17 by the court upon the applicant's failure to remain in full
18 compliance with all conditions imposed by the court for the
19 issuance or renewal of the driver's license or instruction
20 permit. The examiner of drivers may place an indication of
21 restriction upon a driver's license or instruction permit issued



1 or renewed under this subsection. Proof of financial
2 responsibility under section 287-20 shall not apply to the
3 issuance or renewal of driver's licenses or instruction permits
4 under this subsection.

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

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

9 "~~§~~286-301~~§~~ Issuance of identification card or
10 temporary card. (a) To obtain an identification card from the
11 examiner of drivers, an individual shall complete an application
12 pursuant to section 286-303.

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

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



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

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

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

12 "(a) ~~[All]~~ Except for purposes of sections 286-A, 286-B,
13 286-109, and 286-301, information and records acquired by the
14 examiner of drivers under this part shall be confidential. All
15 information and records shall be maintained in an appropriate
16 form and in an appropriate office in the custody and under the
17 control of the examiner. The information shall be available
18 only to authorized individuals under such restrictions as the
19 director shall prescribe. The examiner may dispose of any
20 application or identification card, or information or record
21 relating to the application or identification card, which does



H.B. NO. 1633

1 not include a social security number, without regard to chapter
 2 94, whenever, in the examiner's discretion, retention of the
 3 information or record is no longer required or practicable."

4 SECTION 8. In codifying the new sections added by sections
 5 1, 2, and 3 of this Act, the revisor of statutes shall
 6 substitute appropriate section numbers for the letters used in
 7 designating the new sections in this Act.

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

10 SECTION 10. This Act shall take effect upon its approval.

11

INTRODUCED BY:

John M. Pfeiffer
Karl N. N. N.
[Signature]

JAN 20 2016



H.B. NO. 1633

Report Title:

Automatic Voter Registration

Description:

Provides that all applicants for a new or renewed driver's license, provisional license, instructional permit, or civil identification card must either clearly decline to register to vote or fill out the voter affidavit on their application before the application can be processed.

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

