

JAN 22 2016

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 voter registration; opt-out. (a) Any
5 person who is eligible to vote under this part and properly
6 completes and submits an application for a new or renewed motor
7 vehicle driver's license, provisional license, instruction
8 permit, or identification card shall automatically be registered
9 to vote as provided in subsection (d).

10 (b) The examiner of drivers of each county shall use
11 application forms for an original, duplicate, or change of
12 address driver's license, provisional license, instruction
13 permit, or identification card as voter registration
14 applications. Each application form shall contain spaces for
15 all information collected by voter registration applications as
16 required by section 11-15 and a means for the applicant to
17 affirmatively decline that their information not be used to



1 register them to vote. Unless an applicant affirmatively
2 declines to be registered to vote, the submission of the
3 application shall be deemed to authorize the examiner of drivers
4 to collect and transmit the information necessary to register
5 the applicant as a voter, and the examiner of drivers shall
6 electronically transmit the necessary information to the clerk
7 of the county in which the applicant resides. The examiner of
8 drivers shall not transmit any information necessary to register
9 an applicant as a voter if that applicant affirmatively declines
10 to be registered to vote.

11 (c) The clerk shall determine whether the applicant is
12 currently registered in the general county register. If the
13 applicant is currently registered and if necessary, the clerk
14 shall update the applicant's voter registration to reflect the
15 applicant's current residence address, mailing address, and name
16 on the application received from the examiner of drivers. If
17 the applicant is not currently registered, the examiner of
18 drivers shall determine whether the applicant is eighteen years
19 of age or older and a citizen of the United States.

20 (d) Upon determination that the applicant is eligible to
21 vote and not currently registered, the clerk shall assign a



1 transaction number to the registration in a manner that is
2 substantially similar to the numbering of affidavits as required
3 by section 11-15(c) and register the name of the voter in the
4 general county register as provided in section 11-14."

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

8 "§286-A Automatic voter registration; driver licensing;
9 opt-out. (a) A qualified applicant for a new or renewed motor
10 vehicle driver's license, provisional license, or instruction
11 permit shall automatically be registered to vote with the clerk
12 of the appropriate county upon completion of the license or
13 permit application as required in section 11- unless the
14 applicant affirmatively declines, on the application form, to be
15 registered to vote.

16 (b) Unless an applicant affirmatively declines to be
17 registered to vote, the submission of the application shall be
18 deemed to authorize the examiner of drivers to collect and
19 transmit the information necessary to register the applicant as
20 a voter, and the examiner of drivers shall electronically



1 transmit the necessary information to the clerk of the county in
2 which the applicant resides.

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

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

9 "§286-B Automatic voter registration; identification card;
10 opt-out. (a) A qualified applicant for a new, renewed, or
11 duplicate identification card shall automatically be registered
12 to vote with the clerk of the appropriate county upon completion
13 of an application for an identification card as required by
14 section 286-303 unless the applicant affirmatively declines, on
15 the application form, to be registered to vote.

16 (b) Unless an applicant affirmatively declines to be
17 registered to vote, the submission of the application shall be
18 deemed to authorize the examiner of drivers to collect and
19 transmit the information necessary to register the applicant as
20 a voter, and the examiner of drivers shall electronically



1 transmit the necessary information to the clerk of the county in
2 which the applicant resides.

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

6 SECTION 4. Section 11-15, Hawaii Revised Statutes, is
7 amended by amending subsection (c) to read as follows:

8 "(c) The applicant shall then affix the applicant's
9 signature to the affidavit. In the case where an applicant is
10 unable to write for the reason of illiteracy, blindness, or
11 other physical disability, the applicant's mark shall be
12 witnessed by another person who shall sign the affidavit in the
13 space provided. A voter having once been registered shall not
14 be required to register again for any succeeding election,
15 except as provided in this chapter. Affidavits approved by the
16 clerk shall thereupon be numbered appropriately, filed by the
17 clerk, and kept available for election or government purposes in
18 accordance with procedures established by section 11-97.
19 Approved voter registration transactions conducted through the
20 online voter registration system established pursuant to section
21 11-15.3 and automatic voter registration established pursuant to



1 section 11- shall be assigned a transaction number in a manner
2 that is substantially similar to the numbering of affidavits."

3 SECTION 5. Section 286-108, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

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

- 9 (1) The applicant's eyesight and any further physical
10 examination that the examiner of drivers finds
11 necessary to determine the applicant's fitness to
12 operate a motor vehicle safely upon the highways;
- 13 (2) The applicant's ability to understand highway signs
14 regulating, warning, and directing traffic;
- 15 (3) The applicant's knowledge of the rules of the road
16 based on the traffic laws of the State and the traffic
17 ordinances of the county where the applicant resides
18 or intends to operate a motor vehicle; provided that
19 the examination shall specifically test the
20 applicant's knowledge of the provisions of section
21 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 6. Section 286-111, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) Every application shall state the full name, date of
4 birth, sex, occupation, veteran status if applicable and desired
5 by the applicant, social security number if the applicant is
6 eligible for a social security number, the residence address,
7 and business address, if any, of the applicant, whether the
8 applicant has affirmatively declined to be registered to vote,
9 any information required for an application to register to vote
10 pursuant to section 11-15, if applicable, shall briefly describe
11 the applicant, and shall state whether the applicant has
12 theretofore been licensed as a driver, and, if so, when and in
13 what state or country, and whether any such license has ever
14 been suspended or revoked, or whether an application has ever
15 been refused, and if so, the date of and reason for the
16 suspension, revocation, or refusal."

17 SECTION 7. Section 286-303, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§286-303 Application for identification card. (a)**
20 Application for the identification card shall be made in person
21 by any adult or minor. The minimum age for minors to obtain an



1 identification card shall be ten years of age. In the case of a
2 minor under the age of fourteen years, the application shall be
3 made on the minor's behalf by the parent, or by another
4 individual in loco parentis of the minor who can provide proof
5 of guardianship. In the case of an incompetent individual, the
6 application shall be made by the individual having the custody
7 or control of or maintaining the incompetent individual.

8 (b) Application for renewal of an identification card
9 issued after November 1, 1998, for an individual eighty years of
10 age or older may be done by mailing in a completed application
11 and fee, if there is no change in name and citizenship status.
12 The director shall adopt rules to allow for renewal by mail for
13 individuals with physical or intellectual disabilities for whom
14 application in person presents a serious burden.

15 (c) Every application for an identification card or
16 duplicate of an identification card shall be made on a form
17 developed by the director and furnished by the examiner of
18 drivers, signed by the applicant, and signed by the applicant's
19 parent or guardian if the applicant is under eighteen years of
20 age. The application shall contain the following information:



- 1 (1) Name and complete address, including the number and
- 2 street name, of the applicant's permanent residence;
- 3 (2) The applicant's occupation and any pertinent data
- 4 relating thereto;
- 5 (3) The applicant's citizenship status;
- 6 (4) The applicant's veteran status if applicable and
- 7 desired by the applicant;
- 8 (5) The applicant's date and place of birth;
- 9 (6) General description of the applicant, including the
- 10 applicant's gender, height, weight, hair color, and
- 11 eye color;
- 12 (7) The applicant's left and right index fingerprints or,
- 13 if clear impressions cannot be obtained, other
- 14 identifying imprints as specified by rules of the
- 15 director;
- 16 (8) The social security number of the applicant; [~~and~~]
- 17 (9) A digitized frontal photograph of the applicant's full
- 18 face [-];
- 19 (10) Any additional information required for an application
- 20 to register to vote pursuant to section 11-15, if
- 21 applicable; and



1 (11) Whether the applicant has affirmatively declined to be
2 registered to vote.

3 Each applicant shall present documentary evidence as required by
4 the examiner of drivers of the applicant's age and identity, and
5 the applicant shall swear or affirm that all information given
6 is true and correct.

7 (d) The application also shall state whether the applicant
8 has an advance health-care directive. If the applicant has an
9 advance health-care directive, the identification card shall
10 bear the designation "AHCD".

11 ~~[(e) The examiner of drivers, in accordance with section~~
12 ~~11-15, at the time of application, shall make available an~~
13 ~~application for voter registration to every applicant for an~~
14 ~~identification card who is eligible to register to vote.~~

15 ~~(f)]~~ (e) The examiner of drivers shall maintain a
16 suitable, indexed record of all applications.

17 ~~[(g)]~~ (f) For the purpose of this section, "AHCD", which
18 stands for "advance health-care directive", means an individual
19 instruction in writing, a living will, or a durable power of
20 attorney for health care decisions."



1 SECTION 8. Section 286-311, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

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

16 SECTION 9. In codifying the new sections added by sections
17 2 and 3 of this Act, the revisor of statutes shall substitute
18 appropriate section numbers for the letters used in designating
19 the new sections in this Act.

20 SECTION 10. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 11. This Act shall take effect upon its approval.

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INTRODUCED BY:

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S.B. NO. 2165

Report Title:

Automatic Voter Registration; Driver's License; Identification Card; Opt-out

Description:

Requires that any person who is eligible to vote and applies for a new or renewed motor vehicle driver's license, provisional license, instruction permit, or identification card shall be automatically registered to vote if that person is not already registered to vote; provided that the applicant did not affirmatively opt-out of automatic voter registration on the application form.

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