

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, limited purpose driver's license, limited purpose
9 provisional driver's license, limited purpose instruction
10 permit, or identification card shall automatically be registered
11 to vote as provided in subsection (d).

12 (b) The examiner of drivers of each county shall use
13 application forms for an original, duplicate, or change of
14 address driver's license, provisional license, instruction
15 permit, limited purpose driver's license, limited purpose
16 provisional driver's license, limited purpose instruction
17 permit, or identification card as voter registration



1 applications. The forms shall contain spaces for all
2 information required by section 11-15. Within five calendar
3 days of collection, the examiner of drivers of each county shall
4 electronically transmit the voter registration information to
5 the respective county clerk.

6 (c) The clerk shall determine whether the applicant is
7 currently registered in the general county register. If the
8 applicant is not currently registered, the clerk shall determine
9 whether the applicant is eighteen years of age or older and a
10 citizen of the United States. If the applicant is less than
11 eighteen years of age, the clerk shall defer the applicant until
12 the applicant reaches eighteen years of age to determine whether
13 the applicant is eligible to vote.

14 (d) Upon determination that the applicant is eligible to
15 vote and not currently registered, the clerk shall provide
16 written notification to the applicant of the process to opt-out
17 of the automatic voter registration; provided that if the
18 applicant does not opt-out of registration within twenty-one
19 calendar days the clerk shall assign a transaction number to the
20 registration in a manner that is substantially similar to the
21 numbering of affidavits as required by section 11-15(c) and



1 register the name of the voter in the general county register as
2 provided in section 11-14."

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

6 "§286-A Automatic voter registration; driver licensing;
7 opt-out. (a) The examiner of drivers of each county shall
8 electronically transmit information that is required by section
9 11-15 to the clerk of the county in which the applicant resides
10 for all qualified applicants who properly complete and submit an
11 application for a new or renewed motor vehicle driver's license,
12 provisional license, instruction permit, limited purpose
13 driver's license, limited purpose provisional driver's license,
14 or limited purpose instruction permit.

15 (b) The clerk of the county in which the qualified
16 applicant resides shall provide written notification to the
17 applicant of the process to opt-out of the automatic voter
18 registration; provided that upon receipt of notification from
19 the respective clerk the qualified applicant shall have twenty-
20 one calendar days to opt-out of automatic voter registration
21 pursuant to section 11- (d).



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

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

7 "§286-B Automatic voter registration; identification card;
8 opt-out. (a) The examiner of drivers of each county shall
9 electronically transmit information that is required by section
10 11-15 to the clerk of the county in which the applicant resides
11 for all qualified applicants who properly complete and submit an
12 application for an identification card pursuant to section
13 286-303.

14 (b) The clerk of the county in which the qualified
15 applicant resides shall provide written notification to the
16 applicant of the process to opt-out of the automatic voter
17 registration; provided that upon receipt of notification from
18 the respective clerk the qualified applicant shall have twenty-
19 one calendar days to opt-out of automatic voter registration
20 pursuant to section 11- (d).



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

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

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



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

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

- 7 (1) The applicant's eyesight and any further physical
8 examination that the examiner of drivers finds
9 necessary to determine the applicant's fitness to
10 operate a motor vehicle safely upon the highways;
- 11 (2) The applicant's ability to understand highway signs
12 regulating, warning, and directing traffic;
- 13 (3) The applicant's knowledge of the rules of the road
14 based on the traffic laws of the State and the traffic
15 ordinances of the county where the applicant resides
16 or intends to operate a motor vehicle; provided that
17 the examination shall specifically test the
18 applicant's knowledge of the provisions of section
19 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, any information
8 required for an application to register to vote pursuant to
9 section 11-15, shall briefly describe the applicant, and shall
10 state whether the applicant has theretofore been licensed as a
11 driver, and, if so, when and in what state or country, and
12 whether any such license has ever been suspended or revoked, or
13 whether an application has ever been refused, and if so, the
14 date of and reason for the suspension, revocation, or refusal."

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

17 "§286-303 Application for identification card. (a)
18 Application for the identification card shall be made in person
19 by any adult or minor. The minimum age for minors to obtain an
20 identification card shall be ten years of age. In the case of a
21 minor under the age of fourteen years, the application shall be



1 made on the minor's behalf by the parent, or by another
2 individual in loco parentis of the minor who can provide proof
3 of guardianship. In the case of an incompetent individual, the
4 application shall be made by the individual having the custody
5 or control of or maintaining the incompetent individual.

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

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

19 (1) Name and complete address, including the number and
20 street name, of the applicant's permanent residence;



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

19 Each applicant shall present documentary evidence as required by
20 the examiner of drivers of the applicant's age and identity, and



1 the applicant shall swear or affirm that all information given
2 is true and correct.

3 (d) The application also shall state whether the applicant
4 has an advance health-care directive. If the applicant has an
5 advance health-care directive, the identification card shall
6 bear the designation "AHCD".

7 ~~[(c) The examiner of drivers, in accordance with section
8 11-15, at the time of application, shall make available an
9 application for voter registration to every applicant for an
10 identification card who is eligible to register to vote.~~

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

13 ~~+(g)]~~ (f) For the purpose of this section, "AHCD", which
14 stands for "advance health-care directive", means an individual
15 instruction in writing, a living will, or a durable power of
16 attorney for health care decisions."

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

19 "(a) ~~[All]~~ Except as provided in section 286-A and 286-B,
20 information and records acquired by the examiner of drivers
21 under this part shall be confidential. All information and



1 records shall be maintained in an appropriate form and in an
2 appropriate office in the custody and under the control of the
3 examiner. The information shall be available only to authorized
4 individuals under such restrictions as the director shall
5 prescribe. The examiner may dispose of any application or
6 identification card, or information or record relating to the
7 application or identification card, which does not include a
8 social security number, without regard to chapter 94, whenever,
9 in the examiner's discretion, retention of the information or
10 record is no longer required or practicable."

11 SECTION 9. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so
13 much thereof as may be necessary for fiscal year 2016-2017 for
14 the electronic transmission, receipt, and processing of voter
15 registration information pursuant to this Act.

16 The sum appropriated shall be expended by the department of
17 transportation for the purposes of this Act.

18 SECTION 10. In codifying the new sections added by
19 sections 2 and 3 of this Act, the revisor of statutes shall
20 substitute appropriate section numbers for the letters used in
21 designating the new sections in this Act.



S.B. NO. 2214

1 SECTION 11. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 12. This Act shall take effect on January 1, 2017;
4 provided that section 9 shall take effect on July 1, 2016.

5

INTRODUCED BY: Shannon Cunniff

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S.B. NO. 2214

Report Title:

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

Description:

Beginning on January 1, 2017, 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, limited purpose driver's license, limited purpose provisional driver's license, limited purpose instruction permit, or identification card shall be automatically registered to vote if that person is not already registered to vote; provided that upon receipt of notification from the respective county clerk the applicant shall have twenty-one calendar days to opt-out of automatic voter registration. Makes an appropriation.

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

