

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-A Automatic registration. (a) Notwithstanding any
5 law to the contrary, an affidavit on an application for voter
6 registration shall be a part of the application associated with
7 the issuance of a civil identification card under section
8 286-301 and a driver's license under section 286-109. For
9 purposes of this section, the affidavit shall meet the
10 requirements of section 11-15.

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



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

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

18 "§286-A Voter registration. (a) If a qualified applicant
19 for a motor vehicle driver's license opts to register to vote
20 when applying for a driver's license, the voter registration
21 information shall automatically be transmitted to the clerk of

1 the appropriate county upon completion of an application for a
2 driver's license as required in section 11-A.

3 (b) Every qualified applicant who opts to register to vote
4 pursuant to the process established under subsection (a) and
5 section 11-A shall be required to authorize the examiner of
6 drivers to collect and transmit the necessary personal
7 information required for registering the qualified applicant
8 with the county clerk. The examiner of drivers shall notify all
9 qualified applicants who opt to vote pursuant to the process
10 established under subsection (a) and section 11-A that, by
11 opting to register to vote and submitting an application for a
12 driver's license, provisional license, or instructional permit,
13 the qualified applicant is consenting to the automatic
14 application to vote with the county clerk.

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

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



1 "§286-B Voter registration. (a) If a qualified applicant
2 for a new, renewal, or duplicate civil identification card opts
3 to register to vote when applying for a new, renewal, or
4 duplicate civil identification card, the voter registration
5 information shall automatically be transmitted to the clerk of
6 the appropriate county upon completion of an application for a
7 civil identification card as required by section 11-A.

8 (b) Every qualified applicant who opts to register to vote
9 pursuant to the process established under subsection (a) and
10 section 11-A shall be required to authorize the examiner of
11 drivers to collect and transmit the necessary personal
12 information required for registering the qualified applicant
13 with the county clerk. The examiner of drivers shall notify all
14 qualified applicants who opt to register to vote pursuant to the
15 process established under subsection (a) and section 11-A that,
16 by opting to register to vote, and by submitting an application
17 for a new, renewal, or duplicate civil identification card, the
18 qualified applicant is consenting to the automatic application
19 to vote with the county clerk.



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

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

- 10 (1) The applicant's eyesight and any further physical
 11 examination that the examiner of drivers finds
 12 necessary to determine the applicant's fitness to
 13 operate a motor vehicle safely upon the highways;
- 14 (2) The applicant's ability to understand highway signs
 15 regulating, warning, and directing traffic;
- 16 (3) The applicant's knowledge of the rules of the road
 17 based on the traffic laws of the State and the traffic
 18 ordinances of the county where the applicant resides
 19 or intends to operate a motor vehicle; provided that
 20 the examination shall specifically test the



1 applicant's knowledge of the provisions of section
2 291C-121.5 and section 291C-137; and

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

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

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

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

17 ~~[At the time of examination, an application for voter~~
18 ~~registration by mail shall be made available to every applicant~~
19 ~~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 286-109, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§286-109 General provision governing the issuance of
7 licenses. (a) Upon payment of the required fee and upon
8 demonstrating the ability to operate a certain category or
9 categories of motor vehicles to the satisfaction of the examiner
10 of drivers, an applicant for a driver's license shall be issued
11 a single license of a design approved by the director of
12 transportation upon which is made a notation of:

- 13 (1) The category or categories of motor vehicles the
14 applicant may operate;
- 15 (2) Any restrictive provisions to which the license is
16 subject;
- 17 (3) Veteran status, if desired by the applicant; provided
18 that the notation shall be on the front of the license
19 and shall not include any designation other than the
20 term "veteran"; and



1 (4) When the license is issued to a person under twenty-
2 one years of age, a statement, in clearly legible
3 print that shall contrast with the other information
4 appearing on the license, which indicates the date on
5 which the person will attain the age of twenty-one
6 years.

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

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

13 (c) Statutes of limitations and other provisions of this
14 chapter notwithstanding, no driver's license or instruction
15 permit shall be issued or renewed under this section, where the
16 examiner of drivers is notified by the district judge, traffic
17 violations bureaus of the district courts, or the judge of the
18 circuit court that the applicant has failed to respond to a
19 traffic citation or summons, or failed to appear in court after
20 an arrest for the violation of any traffic laws of a county,
21 this chapter or chapter 286G, 287, 290, 291, or 291C, or of any



1 motor vehicle insurance laws under article 10C of chapter 431,
2 or of any motorcycle or motor scooter insurance laws under
3 article 10G of chapter 431, and the same remains delinquent and
4 outstanding, or the applicant, has as of the time of the
5 application, failed to comply in full with all orders of the
6 court; provided that the district court with whose order an
7 applicant has failed to comply in full, may approve the issuance
8 or renewal of a driver's license or instruction permit other
9 than a commercial driver's license upon conditions imposed by
10 the court for the satisfaction of the outstanding court order
11 and any other conditions as may be imposed by the court, if one
12 or more of the following conditions are met:

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

16 (2) The applicant has no access to alternative
17 transportation and therefore must drive to work;

18 provided further that if the applicant has failed to comply in
19 full with orders of the district court of more than one circuit,
20 the applicant shall obtain the approval of the district court of
21 each circuit in which the applicant has an outstanding court



1 order before a driver's license or instruction permit may be
2 issued or renewed under this subsection.

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

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

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

18 "[+]§286-301[+] Issuance of identification card or
19 temporary card. (a) To obtain an identification card from the
20 examiner of drivers, an individual shall complete an application
21 pursuant to section 286-303.



1 (b) The examiner of drivers, upon receipt of the
2 application by any individual who is a resident or a temporary
3 resident of this State, shall issue an identification card to
4 that individual upon receipt of any appropriate fee established
5 pursuant to section 286-309.

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

9 (d) The issuance of an identification card pursuant to
10 this section shall not place upon the State of Hawaii or any
11 agency any liability for the misuse or the acceptance of the
12 identification card as valid identification, which shall be left
13 entirely to the discretion of any individual to whom such card
14 is presented.

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

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

20 "(a) [All] Except for purposes of sections 286-A, 286-B,
21 286-109, and 286-301, information and records acquired by the



S.B. NO. 2617

A handwritten signature or set of initials, possibly 'S.B.', written in black ink. The signature is stylized and somewhat abstract, with several loops and overlapping lines.

Report Title:

Automatic Voter Registration

Description:

Provides that an applicant for a driver's license or civil identification card must clearly opt out from voter registration or fill out the voter affidavit on the application before it can be processed. Provides that voter registration will automatically be transmitted to the appropriate county clerk upon the completion of an application for a driver's license or civil identification card unless the applicant opts out.

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

