

Honolulu, Hawaii

FEB 18 2016

RE: H.B. No. 401
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 401, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO VOTING,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require that an affidavit on an application for voter registration be part of the application associated with the issuance of a motor vehicle driver's license or identification card;
- (2) Allow applicants for a new or renewed motor vehicle driver's license, provisional license, or instruction permit, or new, renewed, or duplicate identification card to be automatically registered to vote if that person is not already registered to vote and opts to be registered to vote;
- (3) Require the examiner of drivers to collect and transmit the necessary personal information required for voter registration and transmit the information to the clerk of the county in which the applicant resides;
- (4) Require the clerk of the county in which the applicant resides to review the application and register the name



of the voter in the general county register if the application is approved; and

- (5) Make various conforming amendments to reflect the requirement of automatic voter registration on an application for a motor vehicle driver's license or identification card.

Your Committee received testimony in support of this measure from the Office of Elections; Office of Hawaiian Affairs; Office of the County Clerk, County of Kaua'i; League of Women Voters of Hawaii; and two individuals. Your Committee received comments on this measure from Common Cause Hawaii and one individual.

Your Committee finds that Hawaii has one of the lowest voter registration rolls and participation rates in the country. This measure will assist in increasing voter registration by providing the option for individuals when applying for driver's licenses and state identification cards to register to vote. However, your Committee notes the concerns raised in testimony regarding potential conflicts with the federal National Voter Registration Act and whether providing an opt-in system is problematic, especially when opt-out systems in other states have proven successful. Your Committee believes that any conflicts with the federal law should be addressed as this measure continues through the legislative process.

Your Committee has amended this measure by:

- (1) Allowing applicants for motor vehicle driver's licenses or identification cards to be automatically registered to vote unless the applicant affirmatively declines to register to vote;
- (2) Requiring the examiner of drivers to electronically transmit the necessary information to election officials and the statewide voter registration system, in addition to the appropriate county clerk;
- (3) Authorizing access to and electronic transmission of databases maintained or operated by the counties or the Department of Transportation containing driver's license or identification card information to election officials and the statewide voter registration system;



- (4) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 401, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 401, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



GILBERT S.C. KEITH-AGARAN, Chair



