



**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
www.hawaii.gov/elections

SCOTT T. NAGO
CHIEF ELECTION OFFICER

TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE HOUSE COMMITTEE ON FINANCE
ON HOUSE BILL NO. 401, HD 1
RELATING TO VOTING

February 27, 2015

Chair Luke and members of the House Committee on Finance, thank you for the opportunity to testify in support of House Bill No. 401, HD 1. The purpose of this bill is to require an applicant for a driver license or civil identification cards to explicitly choose to register to vote or not, before their application will be processed.

The Office of Elections believes that this bill will increase voter registration as it will require applicants to directly address the question of whether they wish to register to vote and that most applicants when given this option will choose to participate in our electoral system.

It is our understanding that currently, the examiner of drivers' electronic database does not include whether an applicant has also applied to register to vote. We propose the following language that would authorize the electronic transmission and accessibility of voter registration applications associated with the examiner of drivers in order to streamline procedures.

SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

§11-A Voter Registration Applications Associated with the Examiner of Drivers. (a) Notwithstanding any law to the contrary, an affidavit on application for voter registration shall be a

part of the application associated with the issuance of a civil identification card under section 286-301 and a driver's license under section 286-109.

(b) Applications for a civil identification card or driver's license will not be processed until the applicant clearly indicates on the application that they are declining to register to vote or the portion of the application related to voter registration is completed.

(c) The examiner of drivers of each county shall ensure that the contents of the affidavit on application for voter registration provided by applicants in conjunction with their driver license and civil identification card application are electronically stored in their databases.

(d) The examiner of drivers of each county shall provide the respective county clerk with the voter registration information set forth in the affidavit on application for voter registration electronically. This information shall include a digital copy of the applicant's signature.

(e) Upon receipt of the electronic information, the county clerk shall treat it as constituting an application to register under section 11-15.

(f) Databases maintained by the counties and the state department of transportation containing driver license and civil identification card information shall be electronically accessible by the statewide voter registration system, so as to permit the timely processing of voter registration applications made in conjunction with driver license and civil identification cards, to facilitate verification of information provided by online voter registration applicants under section 11-15.3, and to otherwise ensure the integrity of the voter registration rolls.

Thank you for the opportunity to testify in support of House Bill No. 401,
HD 1.



House Finance Committee
Chair Sylvia Luke, Vice Chair Scott Y. Nishimoto

Friday, 2/27/2015 at 1:30 PM in Room 308
HB401 HD1 – Relating to Voting

TESTIMONY — OPPOSITION
Carmille Lim, Executive Director, Common Cause Hawaii
also submitting on behalf of Center for Popular Democracy, and Dēmos

Dear Chair Luke, Vice Chair Nishimoto, and members of the House Finance Committee:

I am submitting this testimony on behalf of myself as executive director of Common Cause Hawaii, as well as the Center for Popular Democracy, and Demos, with whom I've recently been in touch and consulted with.

Common Cause is a national nonpartisan advocacy organization founded in 1970 to enable citizens in making their voices heard in the political process. We work – in Washington, DC and 35 state chapters – to ensure that every eligible citizen has an opportunity to cast a vote, free from discrimination and obstacles.

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The Center for Popular Democracy (CPD) is national nonpartisan social justice organization that promotes equity, opportunity, and a dynamic democracy in partnership with innovative grassroots organizations in 28 states across the country. We work to strengthen our democracy by organizing communities and advocating for reforms that remove barriers from voting and promote a more open and accessible democratic process in which the people's voice is heard.

INTRODUCTION

We applaud the House of Representatives' initiative to modernize Hawaii's voter registration system to make voter registration simple and effective for busy Hawaii families by adopting a system of automatic voter registration. However, we believe HB401 as currently drafted moves away from the original intent of the bill and does not propose the best system for automatic voter registration. Instead, we encourage replacement of this bill with a simpler, more affirmative alternative. As many of you may know, Oregon is poised to pass legislation that would shift the responsibility of maintaining voter registration rolls off of individuals and onto the state. The Oregon "New Motor Voter" bill sets up a system where the state's Department of Motor Vehicles provides the Secretary of State with records it maintains containing the legal name, age, residence, and citizenship information, as well as electronic signature, for driver's license applicants when it has their information in its database. The Secretary then provides that information to the county clerk where the eligible person may be registered. Before the eligible person is registered, the Secretary or county clerk notifies each person of the process for declining to be registered to vote and for choosing a party affiliation. County clerks may not add a person to the registration list until at least 21 days after they've been notified of the process for opting out. If the eligible person does not decline to be registered within twenty-one days, and they're not registered to vote already, then if the county clerk determines that the person is eligible to vote the person is added to the voter rolls and registered as an elector.¹

We highlight this model of automatic voter registration as one that Hawaii – and indeed the rest of the country – should emulate. We believe this model can be improved by using the existing data collected by not just the Department of Transportation but also other state agencies that maintain the necessary

information to determine a person's eligibility to vote to build the state's voter rolls. In a state with a high cost of living such as ours, where many citizens juggle multiple jobs, even finding the time to register to vote has been explain to us as inconvenient and troublesome. Current methods of voter registration are outdated, cumbersome, and inefficient. Modernizing the voter registration process to ensure the state automatically registers eligible individuals (residents who are U.S. citizens and at least 18 years of age) will eliminate one step (individual-initiated voter registration) and make it easier for eligible voters to cast a vote. This proposal would complement Hawaii's upcoming Online Voter Registration and Late Registration ("Election Day Voter Registration") — both of which would begin in 2016. Having all three in place would certainly propel Hawaii to becoming a "model state" with respect to voting modernization and increasing voter registration access.

THE PROBLEM OF VOTER TURNOUT IN HAWAII

Hawaii is in a state of crisis when it comes to elections. Our voter turnout has consistently decreased – from 93.6% of registered voters in 1959, when the state first started collecting elections data, to 52.3% of registered voters in the most recent midterm election.ⁱⁱ Of our voting eligible population, though, a mere 36.5% turned out to vote in 2014.ⁱⁱⁱ And in the 2012 presidential election, we ranked *lowest* in the country for turnout.^{iv} Registration has indeed proven to be an obstacle for eligible voters in the state: that's why, just last year, this legislature voted overwhelmingly to enact Election Day Registration, an electoral reform proven to boost turnout, sometimes into the double digits. Such enactment was a huge win for the state, but we can – and should – go farther to increase political participation by eliminating barriers to voting. Coupled with other voting reform measures like Ranked Choice Voting, this proposal can help to improve political participation.

HOUSE BILL 401

As it stands, HB 401 specifies that "[a]pplications for an identification card or driver's license shall not be processed until the applicant either clearly indicates on the application that the applicant declines to register to vote or completes the portion of the application related to voter registration." We believe that this language adds very little – if anything at all – to Hawaii's current obligation under the National Voter Registration Act, 42 U.S.C. § 1973gg. That federal law states that "[e]ach [covered] State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless that applicant fails to sign the voter registration application."^v Our motor vehicle offices in the state are already required to affirmatively provide voter registration opportunities to applicants unless the applicant, in writing, declines to register to vote; all that is added by this bill is an added mandate that the motor vehicle clerk *require* that any applicant complete the voter registration portion of an application or affirmatively specify that he or she does not want to so register. First, this is a minor addition that adds virtually nothing to our agencies' current responsibilities and would have little impact on increasing our registration rate – and thus voter turnout rate. Second, this requires one additional step for our motor vehicle clerks, which further complicates the system and adds extra time to each transaction. It's a lose-lose proposal.

A MORE EFFECTIVE ALTERNATIVE

We know from empirical research that wide-scale behavioral change takes effect when institutions and governments "nudge" individuals toward reform without taking away their freedom of choice. As such, opt-out programs have been shown to be much more successful in creating positive behavioral change than opt-in ones.^{vi} Oregon's proposed legislation, as detailed earlier, is such a program.

Even with the requirement that a motor vehicle clerk take the added step of requiring an applicant to definitively say "no" if he/she failed to complete the voter registration application component, HB 401 still sets up an opt-in system where each applicant is responsible for filling out their own form. We recommend legislation that enables motor vehicle offices, and other agencies that maintain the required information to confirm a voter's eligibility, to share that information with the Office of Elections, so that the responsibility is on the state and county clerks to maintain the voter rolls. Once the Office of Elections and



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finance1-Kim

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 26, 2015 9:47 AM
To: FINTestimony
Cc: tylerk03@gmail.com
Subject: Submitted testimony for HB401 on Feb 27, 2015 13:30PM

HB401

Submitted on: 2/26/2015

Testimony for FIN on Feb 27, 2015 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Tyler Kruse	Individual	Support	No

Comments: Voter apathy continues to be a major problem in Hawaii. While there are many reasons, one I heard often when speaking with friends and family was that they weren't sure if they were registered or simply couldn't find the time to register. This bill simplifies the registration process and is a step in the right direction to forming a more involved electorate. For these reasons I am in strong support of HB401.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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HB401 HD1
RELATING TO VOTING
House Committee on Finance

February 27, 2015

1:30 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on HB401 HD1, which would reduce barriers to voting, and could increase voter participation, by requiring registrants for a driver's license or state-issued identification card to more actively consider registering to vote and affirmatively decline if they so choose.

It is well known that Hawai'i has historically suffered from low voter turnout. Hawai'i consistently ranks lower than the national average for voter participation among those eligible to vote in the presidential election.¹ In response to historical data also reflecting the underrepresentation of Native Hawaiians in the polls, during the past two election seasons OHA has implemented a "Hawaiian Voice, Hawaiian Vote: I Mana Ka Leo" campaign to increase Native Hawaiian voter registration, education, and turnout. In line with our efforts, OHA generally supports the reduction of barriers to the complex system of voter registration, voter education, and election day polls.

Although Hawai'i's electorate may grow if every citizen is asked to affirmatively decide whether to register when they apply for a driver's license or state-issued identification card, we recognize that consistency with federal law is of paramount importance and the logistics of implementation can be complex and costly. Therefore, on these matters, we defer to the Attorney General's Office, Office of Elections, and County Clerks' Offices.

Mahalo for the opportunity to testify on this important measure.

¹ Editorial Board, *The Worst Voter Turnout in 72 Years*, THE NEW YORK TIMES, Nov. 11, 2014, available at <http://www.nytimes.com/2014/11/12/opinion/the-worst-voter-turnout-in-72-years.html>.

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County Clerk

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JADE K. FOUNTAIN-TANIGAWA
Deputy County Clerk

Facsimile: (808) 241-6207
E-mail: elections@kauai.gov

**ELECTIONS DIVISION
OFFICE OF THE COUNTY CLERK
4386 RICE STREET, SUITE 101
LIHU'E, KAUAI, HAWAII 96766-1819**



**TESTIMONY OF JADE K. FOUNTAIN-TANIGAWA
DEPUTY COUNTY CLERK, COUNTY OF KAUAI
TO THE HOUSE COMMITTEE ON FINANCE
ON HOUSE BILL NO. 401, HOUSE DRAFT 1
RELATING TO VOTING**

February 27, 2015

Chair Luke, and Committee Members:

Thank you for the opportunity to testify in support of House Bill No. 401, HD 1. This Bill proposes requiring all applicants for a new or renewed driver's license, provisional license, instructional permit, or civil identification card to clearly decline to register to vote or fill out the voter affidavit on their application before their application can be processed.

We support this Bill since it will likely increase voter registration and request that the Legislature consider establishing an electronic means for the examiner of drivers to transmit voter registration information and a digital copy of an applicant's signature to the respective county clerk.

The electronic transmittal of voter information would streamline and modernize a process in dire need of improvement, and also allow our office to efficiently accommodate any potential increases in the volume of voter registrants transmitted from the office of the examiner of drivers.

Thank you for this opportunity to testify in support of House Bill No. 150, HD 1.

JADE K. FOUNTAIN-TANIGAWA
Deputy County Clerk