

Testimony by:
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IN REPLY REFER TO:

**STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097**

March 28, 2016
9:00 AM
State Capitol, Room 211

**H.B. 401, H.D. 2, S.D. 1
RELATING TO VOTING**

Senate Committee on Ways and Means

The Department of Transportation (DOT) offers **comments** with concerns as it relates to H.B. 401, H.D. 1, S.D. 1. In general, additional time and funding may be required to comply with the requirements of this measure should it be passed.

The bill allows for “databases maintained or operated by the counties or the department of transportation containing driver’s license or identification card information, including any documents or images” to be “directly accessible and provided electronically to election officials and the statewide voter registration system to allow for the timely processing of voter applications, ensure the integrity of the voter registration polls, and for any other government purpose, as determined by the chief election officer.” If the intent of this bill is to provide “direct accessibility” only to the personal information and documents of persons who affirm their desire to be registered to vote, then those applicants have given their consent to release their personal information to the election officials and the statewide voter registration system.

If, however, the intent of this bill is to provide “direct accessibility” of all individuals in the driver’s license and identification card databases maintained or operated by the counties or the Department of Transportation, then DOT must oppose this as such access could be considered a violation of the Federal Driver Protection and Privacy Act and in potential conflict of state statutes and/or administrative rules.

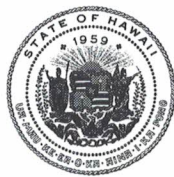
Not all present driver license holders and civil identification card holders within these databases have given their consent to be registered to vote and therefore, would feel that their right to privacy has been infringed upon by the release of their personal data.

If it is determined that access can be legally permitted for specific personally identifiable information (PII) of DL and CID applicants who do not “affirmatively decline to be registered to vote” and this bill is passed, then time will be needed to allow the City and County of Honolulu’s Department of Information Technology (DIT) to collaborate with the Office of Elections’ Information Technology department to ensure the security and

protection of PII stored in DIT's database and the PII that will be transmitted to the Office of Elections.

There will be a need for program modification of DIT's application programs and database to accommodate any additional data requirements that will need to be transmitted from that database to the Office of Elections. To accomplish such an effort would require funding, time and resources for DIT personnel.

Thank you for the opportunity to provide testimony.



**STATE OF HAWAII
OFFICE OF ELECTIONS**

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SCOTT T. NAGO
CHIEF ELECTION OFFICER

TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE SENATE COMMITTEE ON WAYS AND MEANS
ON HOUSE BILL NO. 401, HD 2, SD 1
RELATING TO VOTING

March 28, 2016

Chair Tokuda and members of the Senate Committee on Ways and Means, thank you for the opportunity to testify in support of House Bill No. 401, HD 2, SD 1. The purpose of this bill is to require an applicant for a driver's license or state identification card to 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 requires the applicant to directly address the question of whether they wish to be automatically registered to vote or to opt out as part of the driver's license or state identification card application process.

We propose amending this bill to clarify what data will be immediately electronically transmitted to election officials to ensure that drivers and state identification card holders are registered to vote and that currently registered voters are able to have their residence address and mailing address updated in a timely manner.

This is critical as the determination of which contests a voter is eligible to vote on is determined by where they reside and those who have chosen to receive their ballots by mail must provide us a current mailing address in order to vote. As we live in a mobile society where people frequently move and one of the last things they do is to update their voter registration information, it is important that we take this opportunity to provide a seamless ability for drivers

and state identification card holders to take care of their voter registration needs, when applying for or renewing their government issued identification.

Additionally, we would note that the National Voter Registration Act provides, in relevant part, the following: (1) “[e]ach State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver’s license;” (2) “[t]he voter registration application portion of an application for a State motor vehicle driver’s license— (A) may not require any information that duplicates information required in the driver’s license portion of the form (other than a second signature or other information necessary under subparagraph (C));” and (3) “[a]ny change of address form submitted in accordance with State law for purposes of a State motor vehicle driver’s license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.” 52 USC § 20504.

It is with this understanding that the county examiner of drivers and the Department of Transportation apparently endorse its current practice of attempting to provide the originals of all driver license and state identification card applications to election officials after first entering the data into the statewide traffic records system, scanning a copy of the application, and obtaining a digitized signature from the applicant.

We also believe being provided these applications in electronic format will be useful in investigating inquiries by drivers or state identification card holders if they allege that they did in fact fill out the voter registration application portion of the driver license or state identification. Only by being able to see the application would election officials be able to confirm if the individual did or did not fill out the voter registration portion.

With this in mind, the current practice of providing all applications should be continued, except it should occur in an electronic format to better allow for auditing and confirmation that all drivers and state identification card holders are given the opportunity to register and that those who do choose to be automatically registered are in a timely manner entered into the statewide voter registration system.

Given this, we recommend the following changes to subsection (b) of the proposed section in Section 1 of the bill addressing what will be electronically transmitted to election officials.

(b) Applications 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. [~~Unless an applicant affirmatively declines to be registered to vote, the submission of the application shall be deemed to authorize the examiner of drivers to collect and transmit the information necessary to register the applicant as a voter, and the~~] The examiner of drivers shall electronically transmit the following [~~necessary~~] information to the clerk of the county in which the applicant resides and election officials and the statewide voter registration system pursuant to subsection (d)[~~]~~:

- (1) Name;
- (2) Date of birth;
- (3) Social security number;
- (4) Gender;
- (5) Residence address;
- (6) Mailing address;
- (7) Digitized signature;
- (8) An electronic copy of the application;
- (9) Driver license number or civil identification card number;
- (10) Date of issue or transaction date;
- (11) Date of Expiration;
- (12) Telephone number;
- (13) Email address;
- (14) Any address associated with a previous registration in another state the person authorizes to be canceled;
- (15) An indication that the applicant has attested that he or she meets all voter eligibility requirements, including United States citizenship;
- (16) An indication whether the person chooses to become a permanent absentee voter;
- (17) An indication that the applicant was informed, if they are currently a registered voter, that their name, residence address, and mailing address associated with their voter registration record will be updated to reflect what has been provided in their application;
- (18) An indication whether the person indicated they wished to register to vote or was not interested in registering to vote; and
- (19) Other information specified by the chief election officer.

Thank you for the opportunity to testify in support of House Bill No. 401, HD 2, SD 1.



**HB401 HD2 SD1
RELATING TO VOTING
Senate Committee on Ways and Means**

March 28, 2016

9:00 a.m.

Room

211

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB401 HD2 SD1, which would reduce barriers to voting and potentially increase voter participation by automatically registering applicants for a driver's license or state-issued identification card to vote, unless they affirmatively decline to do so.

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 reflecting the underrepresentation of Native Hawaiians in particular in the polls, during the past two election seasons, OHA has implemented the "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.

Hawai'i's electorate will likely grow if citizens are automatically registered to vote when submitting a driver's license or state-issued identification card application. Accordingly, OHA supports this measure as consistent with its past and ongoing efforts to increase voter turnout. OHA does recognize that consistency with federal law is of paramount importance and the logistics of implementation can be complex and costly; on these matters, we defer to the Attorney General's Office, Office of Elections, and County Clerks' offices.

Therefore, OHA urges the Committee to **PASS** HB401 HD2 SD1. Mahalo for the opportunity to testify on this 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>.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: mgolojuch@hotmail.com
Subject: *Submitted testimony for HB401 on Mar 28, 2016 09:00AM*
Date: Thursday, March 24, 2016 9:56:09 PM

HB401

Submitted on: 3/24/2016

Testimony for WAM on Mar 28, 2016 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	LGBT Caucus of the Democratic Party of Hawaii	Support	Yes

Comments:

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COMMITTEE ON WAYS AND MEANS
MONDAY, March 28, 2016, 9:00 A.M., CONFERENCE ROOM 211
HB 401, HD2 SD1 RELATING TO VOTING

TESTIMONY

Janet Mason, Legislative Co-Chair, League of Women Voters of Hawaii

Chair Tokuda, Vice-Chair Dela Cruz, and Committee Members:

The League of Women Voters of Hawaii strongly supports HB 401, HD2 SD1 which provides that all applicants who are eligible to vote and apply for a new or renewed driver's license, provisional license, instructional permit, or civil identification card will be automatically registered to vote (if not already registered to vote) unless the applicant affirmatively declines to register to vote.

This is excellent, much-needed legislation, if Hawaii is to make significant progress in improving its voter turnout. We will not be able to make inroads here until we boost the number of persons registered to vote as a percent of those eligible to vote. One recent estimate is that about 36% of those eligible haven't registered.¹ Of course the League acknowledges getting people who are registered to turn out to vote also remains a challenge, and we are committed to working on this effort as well.

We are pleased that the actual affidavit for voter registration would be included as a part of these applications, and we like the language of the bill requiring that an applicant either declines to register to vote or completes the application related to voter registration. This should satisfy provisions of the National Voter Registration Act that require an "opt out" clause for those who do not wish to register to vote, and satisfies our previous concerns about such compliance. Likewise, we are very happy to see the application is to include a request to receive a permanent absentee ballot; this feature boosts efforts to convert Hawaii to voting by mail.

¹ Office of Elections, Hawaii registered voters as of 3/9/2016 = 711,518; U.S. Census Bureau Hawaii Voting Eligible Population is 1,111,117, March 2016., https://www.census.gov/library/visualizations/2016/comm/cb16-tps35_voting_hawaii-social.html



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After an amendment the bill now makes clear that information from County databases or the department of transportation needs to be electronically transmitted to County and State elections officials, so applications to vote can be processed in a timely way.

This bill was carefully constructed from the beginning and clarifications about its implementation now make it even better. Our recollection is that the county clerks testified that driver's license and state identification database information could be available in 2017, so we hope the effective date of this measure corresponds with data readiness. Thank you for the opportunity to submit testimony.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: Chinooker@gmail.com
Subject: *Submitted testimony for HB401 on Mar 28, 2016 09:00AM*
Date: Saturday, March 26, 2016 7:53:19 PM

HB401

Submitted on: 3/26/2016

Testimony for WAM on Mar 28, 2016 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Alvarez	Individual	Support	No

Comments:

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Cc: ndavlantes@aol.com
Subject: *Submitted testimony for HB401 on Mar 28, 2016 09:00AM*
Date: Thursday, March 24, 2016 8:32:47 PM

HB401

Submitted on: 3/24/2016

Testimony for WAM on Mar 28, 2016 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	Support	No

Comments:

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