

JAN 25 2017

A BILL FOR AN ACT

RELATING TO ELECTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

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

4 "§11-A Applications for a driver's license or civil
5 identification card. (a) Notwithstanding any law to the
6 contrary, an affidavit on application for voter registration
7 shall be a part of the application associated with the issuance
8 of a civil identification card under section 286-301 and a
9 driver's license under section 286-109.

10 (b) Applications for a civil identification card or
11 driver's license shall not be processed until the application
12 has:

13 (1) Been confirmed electronically as a registered voter;

14 or

15 (2) Applied to register to vote or affirmatively declined
16 to register to vote on the application form.



1 (c) If an applicant for a civil identification card or
2 driver's license is already a registered voter, the application
3 shall serve to automatically update the applicant's voter
4 registration residence address, mailing address, or name, as may
5 be applicable. A notice to this effect shall be stated on any
6 application or change of address or name form used by the
7 examiner of drivers.

8 (d) The examiner of drivers and the department of
9 transportation shall indicate in their databases whether a civil
10 identification card or driver's license holder is a registered
11 voter, in addition to any other information referred to in
12 subsection (e).

13 (e) The examiner of drivers shall electronically transmit
14 to the office of elections, on a real time basis, the following
15 information associated with each applicant who is a United
16 States citizen and has not affirmatively declined to register to
17 vote or who is already a registered voter:

- 18 (1) Name;
19 (2) Date of birth;
20 (3) Last four digits of the social security number;



- 1 (4) Driver's license number or civil identification card
- 2 number;
- 3 (5) Gender;
- 4 (6) Residence address;
- 5 (7) Mailing address;
- 6 (8) Digitized signature;
- 7 (9) Electronic copy of the application;
- 8 (10) Whether the applicant is already a registered voter;
- 9 (11) Whether the applicant has fully completed the voter
- 10 registration portion of the application;
- 11 (12) Whether the applicant declined to become a permanent
- 12 absentee voter; and
- 13 (13) Other information specified by the chief election
- 14 officer.
- 15 (f) Databases maintained or operated by the counties or
- 16 the department of transportation containing driver's license and
- 17 civil identification card information, including any documents
- 18 or images, shall be electronically accessible by election
- 19 officials and the statewide voter registration system to allow
- 20 for the timely processing of voter registration applications,
- 21 facilitate verification of information provided by online voter



1 registration applicants under section 11-15.3, ensure the
2 integrity of the voter registration rolls, or for any other
3 election purposes.

4 §11-B Registration as a permanent absentee voter. The
5 submission of a voter registration application either to
6 register to vote or to update a voter's registration information
7 shall constitute a request for permanent absentee voter status
8 under section 15-4, unless the applicant specifically indicates
9 the applicant does not wish to be a permanent absentee voter."

10 SECTION 2. Section 286-109, Hawaii Revised Statutes, is
11 amended to read as follows:

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

19 (1) The category or categories of motor vehicles the
20 applicant may operate;



- 1 (2) Any restrictive provisions to which the license is
- 2 subject;
- 3 (3) Veteran status, if desired by the applicant; provided
- 4 that the notation shall be on the front of the license
- 5 and shall not include any designation other than the
- 6 term "veteran"; and
- 7 (4) When the license is issued to a person under twenty-
- 8 one years of age, a statement, in clearly legible
- 9 print that shall contrast with the other information
- 10 appearing on the license, which indicates the date on
- 11 which the person will attain the age of twenty-one
- 12 years.

13 As used in this subsection, "veteran" means any person who

14 served in any of the uniformed services of the United States,

15 including veterans of the Korean conflict and persons who served

16 in the armed forces of the Republic of Korea, who fought under

17 the command of the United Nations led by the United States,

18 during the Korean conflict and are currently United States

19 citizens, and was discharged under conditions other than

20 dishonorable.

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

4 (c) Statutes of limitations and other provisions of this
5 chapter notwithstanding, no driver's license or instruction
6 permit shall be issued or renewed under this section, where the
7 examiner of drivers is notified by the district judge, traffic
8 violations bureaus of the district courts, or the judge of the
9 circuit court that the applicant has failed to respond to a
10 traffic citation or summons, or failed to appear in court after
11 an arrest for the violation of any traffic laws of a county,
12 this chapter or chapter 286G, 287, 290, 291, or 291C, or of any
13 motor vehicle insurance laws under article 10C of chapter 431,
14 or of any motorcycle or motor scooter insurance laws under
15 article 10G of chapter 431, and the same remains delinquent and
16 outstanding, or the applicant, has as of the time of the
17 application, failed to comply in full with all orders of the
18 court; provided that the district court with whose order an
19 applicant has failed to comply in full, may approve the issuance
20 or renewal of a driver's license or instruction permit other
21 than a commercial driver's license upon conditions imposed by



1 the court for the satisfaction of the outstanding court order
2 and any other conditions as may be imposed by the court, if one
3 or more of the following conditions are met:

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

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

9 provided further that if the applicant has failed to comply in
10 full with orders of the district court of more than one circuit,
11 the applicant shall obtain the approval of the district court of
12 each circuit in which the applicant has an outstanding court
13 order before a driver's license or instruction permit may be
14 issued or renewed under this subsection.

15 A driver's license or instruction permit issued or renewed
16 under this subsection shall be subject to immediate suspension
17 by the court upon the applicant's failure to remain in full
18 compliance with all conditions imposed by the court for the
19 issuance or renewal of the driver's license or instruction
20 permit. The examiner of drivers may place an indication of
21 restriction upon a driver's license or instruction permit issued



1 or renewed under this subsection. Proof of financial
2 responsibility under section 287-20 shall not apply to the
3 issuance or renewal of driver's licenses or instruction permits
4 under this subsection.

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

7 SECTION 3. Section 286-301, Hawaii Revised Statutes, is
8 amended to read as follows:

9 " ~~[§286-301]~~ **Issuance of identification card or**
10 **temporary card.** (a) To obtain an identification card from the
11 examiner of drivers, an individual shall complete an application
12 pursuant to section 286-303.

13 (b) The examiner of drivers, upon receipt of the
14 application by any individual who is a resident or a temporary
15 resident of this State, shall issue an identification card to
16 that individual upon receipt of any appropriate fee established
17 pursuant to section 286-309.

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



1 (d) The issuance of an identification card pursuant to
2 this section shall not place upon the State of Hawaii or any
3 agency any liability for the misuse or the acceptance of the
4 identification card as valid identification, which shall be left
5 entirely to the discretion of any individual to whom such card
6 is presented.

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

10 SECTION 4. Section 286-311, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) [All] Except for the purposes under sections 11-A,
13 286-109, and 286-301, information and records acquired by the
14 examiner of drivers under this part shall be confidential. All
15 information and records shall be maintained in an appropriate
16 form and in an appropriate office in the custody and under the
17 control of the examiner. The information shall be available
18 only to authorized individuals under such restrictions as the
19 director shall prescribe. The examiner may dispose of any
20 application or identification card, or information or record
21 relating to the application or identification card, which does



1 not include a social security number, without regard to chapter
2 94, whenever, in the examiner's discretion, retention of the
3 information or record is no longer required or practicable."

4 SECTION 5. Act 167, Session Laws of Hawaii 2016, is
5 amended by amending section 2 to read as follows:

6 "SECTION 2. Section 11-15, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) Any person qualified to and desiring to register as a
9 voter in any county shall make and subscribe to an application
10 in the form of an affidavit.

11 The affidavit shall contain the following information:

12 (1) Name;

13 (2) The applicant's Hawaii driver's license number or
14 Hawaii state identification card number; provided
15 that:

16 (A) If no driver's license or identification card has
17 been issued to the applicant, the last four
18 digits of the applicant's social security number;
19 and

20 (B) If no social security number has been issued to
21 the applicant, an election official or county



1 clerk shall assign the applicant a unique
2 identification number for voter registration
3 purposes and enroll the applicant in the State's
4 computerized voter registration list, if any;

5 (3) Date of birth;

6 (4) Residence, including mailing address;

7 (5) That the residence stated in the affidavit is not
8 simply because of the person's presence in the State,
9 but that the residence was acquired with the intent to
10 make Hawaii the person's legal residence with all the
11 accompanying obligations therein; and

12 (6) That the person is a citizen.

13 An application to register to vote shall include a space to
14 [~~request a~~] decline permanent absentee ballot[-] status."

15 SECTION 6. In codifying the new sections added by section
16 1 of this Act, the revisor of statutes shall substitute
17 appropriate section numbers for the letters used in designating
18 the new sections in this Act.

19 SECTION 7. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

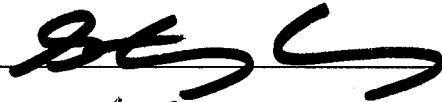


S.B. NO. 855

1 SECTION 8. This Act shall take effect upon its approval;
2 provided that section 5 shall take effect on January 1, 2018.

3

INTRODUCED BY:


Will Fyfe
Kal Rhoads
~~Don D.C. Smith~~ Jones



S.B. NO. 855

Report Title:

Voter Registration; Driver's License; Civil Identification Card;
Permanent Absentee Voter Status

Description:

Requires an affidavit on an application for voter registration to be included as part of the application for driver's licenses and civil identification cards. Prevents processing of application for driver's licenses or civil identification cards unless a voter affidavit is complete or declined. Provides that the submission of a voter registration application either to register to vote or update the voter's registration information constitutes a request for permanent absentee voter status unless the applicant specifically indicates the applicant does not wish to be a permanent absentee voter.

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

