

LATE



Committee: Committee on Commerce, Consumer Protection and Health
Hearing Date/Time: Friday, March 17, 2017, 9:30 a.m.
Place: Room 229
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 717, H.D. 1,
Relating to Notaries Public

Dear Chair Baker, Vice Chair Nishihara, and Committee Members:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in opposition to H.B. 717, H.D. 1, which would prohibit a commissioned notary public from accepting a limited purpose driver’s license (“LPDL”) for verification of identification.

While the ACLU of Hawaii is empathetic to the concerns raised by the Association of Hawaii Notaries, prohibiting notaries public from accepting LPDL would have devastating consequences for Hawaii’s most vulnerable communities. Hawaii’s LPDL are compliant with the Real ID Act, which allows states to adopt these types of state identification so long as they are not used for federal purposes.¹ Notarization itself is always a state function, and notaries are creatures of state law. The acceptance of LPDL by notaries public, therefore, is a state matter and does not violate any state or federal law.

This measure would deny undocumented immigrants equal protection under the law and create devastating consequences for them and their families, as well as the State. Often, U.S. Immigration and Customs Enforcement agents will take away individual’s passports if they are in a country without documents, even as their removal cases are pending in court. These individuals and families may rely on LPDL to notarize important legal documents such as powers of attorney, which allow them to get affairs in order in the event of deportation. The most serious example of this is the designation of a Special Power of Attorney for Child Care to ensure that a friend or relative can take care of the children of a detained or deported parent. Without such document, such children, who are often U.S. citizens, could end up in the custody of Child Welfare Services at the expense of the State.

¹ See HRS § 286-104.5; 6 CFR § 37.71; REAL ID Act § 202(d)(11).

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For these reasons, the ACLU of Hawaii urges you to defer this measure.

Thank you for this opportunity to testify.

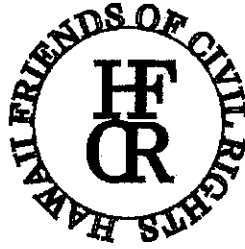


Mandy Finlay
Advocacy Coordinator
ACLU of Hawaii

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.

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Hearing 9:30 am, March 17, 2017
Committee on Commerce, Consumer Protection, and Health
Conference Rm 229

TESTIMONY IN OPPOSITION TO HB 717, HD 1 RELATING TO NOTARIES PUBLIC

SUBMITTED BY: FAYE KENNEDY, CO-CHAIR
HAWAII FRIENDS OF CIVIL RIGHTS
3072 Felix St.
Honolulu, HI 96816

Chair Baker and members of the Committee:

I am writing in opposition to hb 717, hd 1. I believe that notaries public should provide residents in our state needed services by accepting LPDL for verification of identification since it is government issued, with a picture, a signature and an expiration date. The federal government has the authority to decide which identifications are acceptable but the state also has the authority to allow and use other identifications for different purposes. Our regulations for the LPDL meet many state purposes and should be continued. The Notary Publics note that those who possess an LPDL are no more likely to commit fraud than those who use a state driver's license for identification.

I speak as co-chair of the Hawaii Friends of Civil Rights (HFCR), an organization that promotes justice, equality and human dignity for all. I urge you not to pass HB 717, HD 1 because notaries public should continue to have an additional identification issued by the state available to them to provide their services. LPDL will not have any negative impact on having other identification for federal purposes.