

JAN 19 2018

A BILL FOR AN ACT

RELATING TO VOTING.

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

1 SECTION 1. The legislature finds that automatic voter
2 registration provides eligible voters an opportunity to register
3 to vote or update their voter registration information when
4 applying for or renewing a driver's license unless the eligible
5 voter affirmatively declines to be registered. As of August
6 2017, nine states, including Alaska, California, Colorado,
7 Connecticut, Illinois, Oregon, Rhode Island, Vermont, and West
8 Virginia, as well as the District of Columbia have authorized
9 automatic voter registration.

10 Proponents believe that automatic voter registration
11 assists in removing barriers to registration for eligible
12 voters, which is the first step to voter participation. Voter
13 registration through a routine and necessary transaction, such
14 as driver's licensing, increases the efficiency and
15 effectiveness of voter registration and voter turnout.

16 The legislature further finds that in August 2017, the
17 office of elections and department of transportation entered



1 into a memorandum of agreement allowing the office of elections
2 to access the driver license and state identification databases,
3 administered by the department of transportation and maintained
4 by the city and county of Honolulu, to ensure the integrity of
5 voter registration rolls.

6 The purpose of this Act is to establish an automatic voter
7 registration system in Hawaii by allowing all applicants for a
8 driver's license, provisional license, instruction permit, or
9 civil identification card to clearly decline to register to vote
10 or to fill out the voter affidavit on their application at the
11 time their application is processed.

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

15 "§11-A Automatic registration. (a) Notwithstanding any
16 law to the contrary, an affidavit on an application for voter
17 registration shall be a part of the application associated with
18 the issuance of a driver's license, provisional license, or
19 instruction permit under section 286-109 and an identification
20 card under section 286-301. Each application shall include a
21 space to request a permanent absentee ballot.



1 (b) An applicant for a driver's license, provisional
2 license, instruction permit, or identification card may elect to
3 register to vote or update voter registration information.

4 Applications shall not be processed until the applicant:

5 (1) Clearly indicates on the application that the
6 applicant declines to register to vote, including for
7 reasons of ineligibility to vote; or

8 (2) Completes the portion of the application related to
9 voter registration.

10 Unless an applicant affirmatively declines to register to vote,
11 the submission of the application shall be deemed to authorize
12 the examiner of drivers to collect and transmit the information
13 necessary to register the applicant as a voter or update the
14 applicant's voter registration information. The examiner of
15 drivers shall electronically transmit the necessary information
16 to the clerk of the county in which the applicant resides,
17 election officials, and the statewide voter registration system
18 pursuant to subsection (d); provided that the examiner of
19 drivers shall not transmit any information necessary to register
20 an applicant as a voter if that applicant affirmatively declines
21 to be registered to vote.



1 (c) Upon receipt of the completed voter registration
2 application transmitted from the examiner of drivers, the clerk
3 shall:

4 (1) Review and either approve or reject the voter
5 registration application; or

6 (2) Update the applicant's voter registration information;
7 in accordance with this part; provided that approved voter
8 registration applications received from the examiner of drivers
9 pursuant to this section shall be treated as having a valid
10 signature for purposes of section 11-15(c) whether transmitted
11 electronically or by facsimile transmission. Upon approval of
12 the voter registration application, the clerk shall proceed to
13 number the application and register the name of the voter in the
14 general county register as provided in section 11-14.

15 (d) Databases maintained or operated by the counties or
16 the department of transportation containing driver's license,
17 provisional license, instruction permit, or identification card
18 information, including any documents or images, shall be
19 directly accessible and provided electronically to election
20 officials and the statewide voter registration system to allow
21 for the timely processing of voter registration applications,



1 ensure the integrity of the voter registration rolls, and for
2 any other government purpose, as determined by the director of
3 transportation, and upon request by the chief election officer
4 to the director of transportation for the electronic
5 transmission of the information.

6 (e) Unless an ineligible applicant willfully and knowingly
7 completes the portion of the application related to voter
8 registration despite knowing that the applicant is not eligible
9 to vote, the record and signature of an ineligible applicant
10 that is transmitted electronically or by facsimile transmission
11 by an examiner of drivers to a clerk shall not constitute a
12 violation of section 19-3.5. The name of any ineligible
13 applicant that is incorrectly registered in the general county
14 register because the ineligible applicant completed the portion
15 of the application related to voter registration shall be
16 removed from the register pursuant to section 11-23.

17 (f) The chief election officer shall submit an annual
18 public report to the legislature no later than twenty days prior
19 to the convening of each regular session of the legislature.
20 The report shall include:



1 (1) The number of records transferred pursuant to this
2 section;

3 (2) The number of voters added to the statewide voter
4 registration system because of records transferred
5 pursuant to this section;

6 (3) The number of voters in the statewide voter
7 registration system whose information was updated
8 because of records transferred pursuant to this
9 section;

10 (4) The number of records transferred pursuant to this
11 section that do not relate to individuals
12 affirmatively identified as eligible to vote;

13 (5) The number of persons who opted out of voter
14 registration pursuant to this section;

15 (6) The number of voters who updated or corrected voter
16 registration information through the electronic system
17 established pursuant to section 11-15.3, and the type
18 of information updated or corrected; and

19 (7) Information on the implementation of security and
20 privacy protocols.



1 Any report produced pursuant to this subsection shall exclude
2 any personal identifying information.

3 §11-B Information privacy policy. (a) The chief election
4 officer shall establish and implement an information privacy
5 policy that:

6 (1) Specifies each class of internal users who shall have
7 authorized access to the statewide voter registration
8 system, specifies for each class the permissions and
9 levels of access to be granted, and sets forth other
10 safeguards to protect the privacy of the information
11 on the statewide voter registration system;

12 (2) Prohibits any disclosure or transmission of any
13 information not necessary to voter registration,
14 including credit card information received in the
15 course of the underlying transaction with the examiner
16 of drivers of each county;

17 (3) Protects against public disclosure of full or partial
18 social security numbers, driver's license numbers, and
19 signatures;

20 (4) Prohibits public disclosure of an individual's
21 decision not to register to vote;



1 (5) Prohibits the examiner of drivers of each county from
2 transmitting to county clerks information other than
3 that required for voter registration or specified
4 information relevant to the administration of
5 elections;

6 (6) Prohibits agencies from sharing individuals'
7 citizenship status or information regarding country of
8 origin with any federal agency; and

9 (7) Prohibits the disclosure of information relating to
10 persons eligible for confidentiality of record
11 information pursuant to section 11-14.5 and informs
12 individuals of the confidentiality protections
13 available under section 11-14.5.

14 (b) The chief election officer shall publish, and update
15 as necessary, the information privacy policy established in
16 subsection (a) by:

17 (1) Electronic publication on the electronic system
18 established pursuant to section 11-15.3; and

19 (2) Online publication on the official website of the
20 office of elections.



1 Upon request, the chief election officer shall make the
2 information privacy policy available by mail or in person."

3 SECTION 3. Chapter 286, Hawaii Revised Statutes, is
4 amended by adding a new section to part VI to be appropriately
5 designated and to read as follows:

6 "§286-A Voter registration. (a) An applicant for a new
7 or renewed motor vehicle driver's license, provisional license,
8 or instruction permit shall automatically be registered to vote
9 or shall have the applicant's voter registration information
10 automatically updated with the clerk of the appropriate county
11 upon completion of an application for a driver's license,
12 provisional license, or instruction permit as required in
13 section 11-A unless the applicant affirmatively declines, on the
14 application form, to be registered to vote.

15 (b) Unless an applicant affirmatively declines to register
16 to vote, the submission of the application shall be deemed to
17 authorize the examiner of drivers to collect and transmit the
18 information necessary to register the applicant as a voter or
19 update the applicant's voter registration information. The
20 examiner of drivers shall electronically transmit the necessary
21 information to the clerk of the county in which the applicant



1 resides, election officials, and the statewide voter
2 registration system pursuant to section 11-A(d); provided that
3 the examiner of drivers shall not transmit any information
4 necessary to register an applicant as a voter if that applicant
5 affirmatively declines to register to vote."

6 SECTION 4. Chapter 286, Hawaii Revised Statutes, is
7 amended by adding a new section to part XVI to be appropriately
8 designated and to read as follows:

9 "§286-B Voter registration. (a) An applicant for a new,
10 renewed, or duplicate identification card shall automatically be
11 registered to vote or shall have the applicant's voter
12 registration information automatically updated with the clerk of
13 the appropriate county upon completion of an application for an
14 identification card as required by section 11-A unless the
15 applicant affirmatively declines, on the application form, to be
16 registered to vote.

17 (b) Unless an applicant affirmatively declines to register
18 to vote, the submission of the application shall be deemed to
19 authorize the examiner of drivers to collect and transmit the
20 information necessary to register the applicant as a voter or
21 update the applicant's voter registration information. The



1 examiner of drivers shall electronically transmit the necessary
2 information to the clerk of the county in which the applicant
3 resides, election officials, and the statewide voter
4 registration system pursuant to section 11-A(d); provided that
5 the examiner of drivers shall not transmit any information
6 necessary to register an applicant as a voter if that applicant
7 affirmatively declines to register to vote."

8 SECTION 5. Section 11-15.3, Hawaii Revised Statutes, is
9 amended by amending subsection (e) to read as follows:

10 "(e) The online application system may require additional
11 information from applicants, such as security questions to
12 authenticate any future voter registration transactions by the
13 applicant. The system shall provide a voter, who was registered
14 to vote or whose voter registration information was updated
15 pursuant to section 11-A, the means to verify the voter's
16 registration information, update relevant information, and
17 withdraw the voter's registration."

18 SECTION 6. Section 286-108, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) Except as provided in section 286-107.5(a), the
21 examiner of drivers shall examine every applicant for a driver's



1 license, except as otherwise provided in this part. The
2 examination shall include a test of:

- 3 (1) The applicant's eyesight and any further physical
4 examination that the examiner of drivers finds
5 necessary to determine the applicant's fitness to
6 operate a motor vehicle safely upon the highways;
- 7 (2) The applicant's ability to understand highway signs
8 regulating, warning, and directing traffic;
- 9 (3) The applicant's knowledge of the rules of the road
10 based on the traffic laws of the State and the traffic
11 ordinances of the county where the applicant resides
12 or intends to operate a motor vehicle; provided that
13 the examination shall specifically test the
14 applicant's knowledge of the provisions of section
15 291C-121.5 and section 291C-137; and
- 16 (4) The actual demonstration of ability to exercise
17 ordinary and reasonable control in the operation of a
18 motor vehicle.

19 The examinations shall be appropriate to the operation of the
20 category of motor vehicle for which the applicant seeks to be
21 licensed and shall be conducted as required by the director.



1 The examiner of drivers shall require every applicant to
2 comply with section 286-102.5.

3 The examiner of drivers may waive the actual demonstration
4 of ability to operate a motorcycle or motor scooter for any
5 person who furnishes evidence, to the satisfaction of the
6 examiner of drivers, that the person has completed the
7 motorcycle education course approved by the director in
8 accordance with section 431:10G-104.

9 ~~[At the time of examination, an application for voter~~
10 ~~registration by mail shall be made available to every applicant~~
11 ~~for a driver's license.]~~

12 For the purposes of this section, the term "applicant" does
13 not include any person reactivating a license under section
14 286-107.5(a)."

15 SECTION 7. Section 286-109, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§286-109 General provision governing the issuance of**
18 **licenses.** (a) Upon payment of the required fee and upon
19 demonstrating the ability to operate a certain category or
20 categories of motor vehicles to the satisfaction of the examiner
21 of drivers, an applicant for a driver's license shall be issued



1 a single license of a design approved by the director of
2 transportation upon which is made a notation of:

3 (1) The category or categories of motor vehicles the
4 applicant may operate;

5 (2) Any restrictive provisions to which the license is
6 subject;

7 (3) Veteran status, if desired by the applicant; provided
8 that the notation shall be on the front of the license
9 and shall not include any designation other than the
10 term "veteran"; and

11 (4) When the license is issued to a person under twenty-
12 one years of age, a statement, in clearly legible
13 print that shall contrast with the other information
14 appearing on the license, which indicates the date on
15 which the person will attain the age of twenty-one
16 years.

17 As used in this subsection, "veteran" means any person who
18 served in any of the uniformed services of the United States,
19 including veterans of the Korean conflict and persons who served
20 in the armed forces of the Republic of Korea, who fought under
21 the command of the United Nations led by the United States,



1 during the Korean conflict and are currently United States
2 citizens, and was discharged under conditions other than
3 dishonorable.

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

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



1 applicant has failed to comply in full, may approve the issuance
2 or renewal of a driver's license or instruction permit other
3 than a commercial driver's license upon conditions imposed by
4 the court for the satisfaction of the outstanding court order
5 and any other conditions as may be imposed by the court, if one
6 or more of the following conditions are met:

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

10 (2) The applicant has no access to alternative
11 transportation and therefore must drive to work;
12 provided further that if the applicant has failed to comply in
13 full with orders of the district court of more than one circuit,
14 the applicant shall obtain the approval of the district court of
15 each circuit in which the applicant has an outstanding court
16 order before a driver's license or instruction permit may be
17 issued or renewed under this subsection.

18 A driver's license or instruction permit issued or renewed
19 under this subsection shall be subject to immediate suspension
20 by the court upon the applicant's failure to remain in full
21 compliance with all conditions imposed by the court for the



1 issuance or renewal of the driver's license or instruction
2 permit. The examiner of drivers may place an indication of
3 restriction upon a driver's license or instruction permit issued
4 or renewed under this subsection. Proof of financial
5 responsibility under section 287-20 shall not apply to the
6 issuance or renewal of driver's licenses or instruction permits
7 under this subsection.

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

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

12 "[+]§286-301[+] Issuance of identification card or
13 temporary card. (a) To obtain an identification card from the
14 examiner of drivers, an individual shall complete an application
15 pursuant to section 286-303.

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



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

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

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

13 SECTION 9. Section 286-311, Hawaii Revised Statutes, is
14 amended by amending its title and subsection (a) to read as
15 follows:

16 "[~~H~~]§286-311[~~+~~] **Custody and use of records; confidential**
17 **information.** (a) [~~All~~] Except for purposes of sections 286-A
18 and 286-B, information and records acquired by the examiner of
19 drivers under this part shall be confidential. All information
20 and records shall be maintained in an appropriate form and in an
21 appropriate office in the custody and under the control of the



1 examiner. The information shall be available only to authorized
2 individuals under such restrictions as the director shall
3 prescribe. The examiner may dispose of any application or
4 identification card, or information or record relating to the
5 application or identification card, which does not include a
6 social security number, without regard to chapter 94, whenever,
7 in the examiner's discretion, retention of the information or
8 record is no longer required or practicable."

9 SECTION 10. The chief election officer shall review
10 current privacy and security measures applied to the existing
11 electronic voter registration files and establish enhanced
12 standards and procedures to further safeguard the privacy,
13 integrity, and security of the information collected and
14 transmitted pursuant to this Act.

15 SECTION 11. In codifying the new sections added by
16 sections 1, 2, and 3 of this Act, the revisor of statutes shall
17 substitute appropriate section numbers for the letters used in
18 designating the new sections in this Act.

19 SECTION 12. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



S.B. NO. 2232

1 SECTION 13. This Act shall take effect upon its approval.

2

INTRODUCED BY:

R. D. Ogle



S.B. NO. 2232

Report Title:

Automatic Voter Registration

Description:

Establishes an automatic voter registration system in Hawaii by allowing all applicants for a driver's license, provisional license, instruction permit, or civil identification card to either clearly decline to register to vote or fill out the voter affidavit on their application at the time their application is processed.

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

