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## A BILL FOR AN ACT

RELATING TO VOTER REGISTRATION.

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

1           SECTION 1. The legislature finds that voter turnout in the  
2 State remains low and continues to decline. In 2016, Hawaii had  
3 the lowest voter turnout in the United States. Only 52.6 per  
4 cent of registered Hawaii voters cast ballots in the 2018  
5 general election. This represents a sharp decline in voter  
6 turnout over the years, as approximately ninety-three per cent  
7 of registered voters cast ballots in the State's first  
8 gubernatorial election in 1959.

9           Additionally, the State has a historically low rate of  
10 registering voters. According to a 2016 estimate from the  
11 United States Census Bureau, Hawaii had the lowest percentage of  
12 registered voters in the country. In 2016, only 49.8 per cent  
13 of qualified voters were registered to vote, well below the  
14 national average of 64.2 per cent. Therefore, of the 1,111,117  
15 people in Hawaii who were qualified to vote in the 2016  
16 election, 557,780 were not registered to vote.



1           The legislature also finds that states with both the  
2 highest voter registration rate and highest voter turnout have  
3 adopted automatic voter registration programs. Massachusetts,  
4 Oregon, and Colorado have all adopted automatic voter  
5 registration programs, and each of those states' voter  
6 registration rates are some of the highest in the nation, at  
7 68.1 per cent, 67.4 per cent, and 68.2 per cent, respectively.  
8 Moreover, Massachusetts had the eighth highest voter turnout in  
9 the 2016 election at 68.1 per cent, and Oregon had the highest  
10 at 80.33 per cent.

11           The legislature further finds that voting is the  
12 cornerstone of American democracy, and while other states have  
13 been in the news for suppressing voters, Hawaii, by  
14 automatically registering qualified voters, can convey a message  
15 that voting is an unquestioned fundamental right that should be  
16 exercised.

17           Accordingly, the purpose of this Act is to establish a  
18 system for automatic voter registration in the State.

19           SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended  
20 by adding a new section to part II to be appropriately  
21 designated and to read as follows:



1        "§11-        Automatic voter registration; opt out.    (a)  
2        Beginning January 1, 2020, any person who is eligible to vote  
3        under this part and properly completes and submits:

4            (1)    A state tax return; or

5            (2)    An application for public assistance,

6        shall be automatically registered to vote as provided in  
7        subsection (d).

8            (b)    The director of taxation and the director of human  
9        services shall use certain forms designated under sections  
10       231-        and 346-29, respectively, for voter registration. The  
11       forms shall contain spaces for all information required by  
12       section 11-15. Within five calendar days of collection of a  
13       completed voter registration affidavit, the director of taxation  
14       or director of human services shall electronically transmit the  
15       voter registration information to the clerk of the county in  
16       which the applicant resides, election officials, and the  
17       statewide voter registration system pursuant to subsection (e);  
18       provided that the director of taxation and the director of human  
19       services shall not transmit any information necessary to  
20       register an applicant as a voter if that applicant affirmatively  
21       declines to be registered to vote.



1       (c) The clerk of each county shall determine whether the  
2 applicant is currently registered in the general county  
3 register. If the applicant is not currently registered, the  
4 clerk shall determine whether the applicant is eighteen years of  
5 age or older and a citizen of the United States. If the  
6 applicant is less than eighteen years of age, the clerk shall  
7 defer the applicant until the applicant reaches eighteen years  
8 of age to determine whether the applicant is eligible to vote.

9       (d) Upon determination that the applicant is eligible to  
10 vote and not currently registered, the county clerk shall  
11 provide written notification to the applicant of the process to  
12 opt out of the automatic voter registration; provided that if  
13 the applicant does not opt out of registration within twenty-one  
14 calendar days, the clerk shall assign a transaction number to  
15 the registration in a manner that is substantially similar to  
16 the numbering of affidavits as required by section 11-15(c) and  
17 register the name of the voter in the general county register as  
18 provided in section 11-14.

19       (e) Databases maintained or operated by the department of  
20 taxation and the department of human services shall be directly  
21 accessible and provided electronically to election officials and



1 the statewide voter registration system to allow for the timely  
2 processing of voter registration applications, ensure the  
3 integrity of the voter registration rolls, and for any other  
4 government purpose, as determined by the director of taxation  
5 and the director of human services, and upon request by the  
6 chief election officer to the director of taxation and the  
7 director of human services for the electronic transmission of  
8 the information; provided that the chief election officer shall  
9 establish and implement an information privacy policy that:

- 10       (1) Specifies each class of internal users who shall have  
11           authorized access to the statewide voter registration  
12           system, specifies for each class the permissions and  
13           levels of access to be granted, and sets forth other  
14           safeguards to protect the privacy of the information  
15           on the statewide voter registration system;
- 16       (2) Prohibits any disclosure or transmission of any  
17           information not necessary to voter registration,  
18           including financial information;
- 19       (3) Protects against public disclosure of full or partial  
20           social security numbers, driver's license numbers, and  
21           signatures;



- 1        (4) Prohibits public disclosure of an individual's  
2        decision to not register to vote;
- 3        (5) Prohibits the director of taxation and the director of  
4        human services from transmitting to county clerks  
5        information other than that required for voter  
6        registration or specified information relevant to the  
7        administration of elections;
- 8        (6) Prohibits agencies from sharing individuals'  
9        citizenship status or information regarding country of  
10       origin with any federal agency;
- 11       (7) Prohibits the disclosure of information relating to  
12       persons eligible for confidentiality of record  
13       information pursuant to section 11-14.5 and informs  
14       individuals of the confidentiality protections  
15       available under section 11-14.5; and
- 16       (8) Prohibits the disclosure of any information that is  
17       considered to be confidential pursuant to chapter 231  
18       or 346."

19       SECTION 3. Chapter 231, Hawaii Revised Statutes, is  
20       amended by adding a new section to be appropriately designated  
21       and to read as follows:



1           "§231-           Automatic voter registration; state tax returns.  
2   The form used for voter registration for the purposes of section  
3   11-       (b) shall be a state tax return form."

4           SECTION 4. Section 11-15, Hawaii Revised Statutes, is  
5   amended by amending subsection (c) to read as follows:

6           "(c) The applicant shall then affix the applicant's  
7   signature to the affidavit. In the case where an applicant is  
8   unable to write for the reason of illiteracy, blindness, or  
9   other physical disability, the applicant's mark shall be  
10   witnessed by another person who shall sign the affidavit in the  
11   space provided. A voter having once been registered shall not  
12   be required to register again for any succeeding election,  
13   except as provided in this chapter. Affidavits approved by the  
14   clerk shall thereupon be numbered appropriately, filed by the  
15   clerk, and kept available for election or government purposes in  
16   accordance with procedures established by section 11-97.  
17   Approved voter registration transactions conducted through the  
18   online voter registration system established pursuant to section  
19   11-15.3 and automatic voter registration established pursuant to  
20   section 11-        shall be assigned a transaction number in a



1 manner that is substantially similar to the numbering of  
2 affidavits."

3 SECTION 5. Section 231-18, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§231-18 Tax and other officials permitted to inspect**  
6 **returns; reciprocal provisions.** Notwithstanding the provisions  
7 of any law making it unlawful for any person, officer, or  
8 employee of the State to make known information imparted by any  
9 tax return or permit any tax return to be seen or examined by  
10 any person, it shall be lawful to:

- 11 (1) Permit a duly accredited tax official of the United  
12 States, any state or territory, any county of this  
13 State, or the Multistate Tax Commission to inspect any  
14 tax return of any taxpayer;
- 15 (2) Furnish to an official, commission, or the authorized  
16 representative thereof an abstract of the return or  
17 supply the official, commission, or the authorized  
18 representative thereof with information concerning any  
19 item contained in the return or disclosed by the  
20 report of any investigation of the return or of the





- 1 subject matter of the return for tax purposes only;
- 2 [~~or~~]
- 3 (3) Provide tax return information to the auditor pursuant
- 4 to section 23-5(a) [~~-~~]; or
- 5 (4) Provide the information required under section
- 6 11- (b) for voter registration.

7 The Multistate Tax Commission may make the information available  
8 to a duly accredited tax official of the United States, any  
9 state or territory, or the authorized representative thereof,  
10 for tax purposes only."

11 SECTION 6. Section 346-10, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13 "(a) The department and its agents shall keep records that  
14 may be necessary or proper in accordance with this chapter. All  
15 applications and records concerning any applicant or recipient  
16 shall be confidential. The use or disclosure of information  
17 concerning applicants and recipients shall be limited to:

- 18 (1) Persons duly authorized by the State or the United
- 19 States in connection with their official duties, when
- 20 the official duties are directly connected with the



1 administration of any form of public assistance,  
2 medical assistance, food stamps, or social services;  
3 (2) Purposes directly connected with any investigation,  
4 prosecution, or criminal or civil proceeding conducted  
5 in connection with the administration of any form of  
6 public assistance, food stamps, medical assistance, or  
7 social services, including disclosure by the  
8 department of information and documents to police  
9 departments, prosecutors' offices, the attorney  
10 general's office, or any other state, county, or  
11 federal agency engaged in the detection,  
12 investigation, or prosecution of violations of  
13 applicable state, county, and federal laws or  
14 regulations regarding any aspect of theft, fraud,  
15 deception, or overpayment in connection with any  
16 aspect of public assistance, food stamps, medical  
17 assistance, or social services; provided that  
18 disclosure by recipient agencies and personnel shall  
19 be permitted under this section to the extent  
20 reasonably necessary to carry out the functions for  
21 which the information was provided;



- 1           (3) Disclosure to the extent necessary to provide services  
2           for applicants and recipients, to determine  
3           eligibility, or to determine the amount of public  
4           assistance, including verification of information  
5           provided by the recipient of public assistance,  
6           medical assistance, or food stamps, or to determine  
7           the type, kind, frequency, and amount of social  
8           services, including health and mental health related  
9           services needed;
- 10          (4) Disclosure to banks, financial institutions, or any  
11          other payor of a public assistance warrant or check of  
12          any information indicating that a public assistance  
13          warrant or check honored by the bank, institution, or  
14          payor has been forged or otherwise wrongfully  
15          presented for payment;
- 16          (5) Federal agencies responsible for the administration of  
17          federally assisted programs that provide assistance in  
18          cash or in kind for services directly to individuals  
19          on the basis of need and the certification of receipt  
20          of assistance to needy families with minor dependents  
21          to an employer for purposes of claiming tax credit



1 under Public Law 94-12, the Tax Reduction Act of 1975,  
2 shall be permitted;

3 (6) Employees acting within the scope and course of their  
4 employment of recognized social welfare organizations  
5 as may be approved by the department;

6 (7) Purposes directly connected with any investigation,  
7 prosecution, or criminal proceeding conducted in  
8 connection with the licensure or operation of an adult  
9 day care center, including disclosure by the  
10 department of information and documents to police  
11 departments, prosecutors' offices, the attorney  
12 general's office, or any other state, county, or  
13 federal agency engaged in the detection,  
14 investigation, or prosecution of violations of  
15 applicable state, county, and federal laws or  
16 regulations;

17 (8) Disclosure to the child support enforcement agency for  
18 obtaining or enforcing a child support order under  
19 chapter 576D;

20 (9) Disclosure of a recipient's residence and business  
21 address to law enforcement officers who request



1 information if the information is needed for an  
 2 official administrative, civil, or criminal law  
 3 enforcement purpose to identify a recipient as a  
 4 fugitive felon or parole violator, and in cases where  
 5 the information is needed for an official purpose and  
 6 where the department has informed the recipient of the  
 7 circumstances in which the recipient's address may be  
 8 released under section 92F-19(a)(1), (3), or (4);

9 (10) Disclosure of reports and records relating to child  
 10 abuse or neglect to the extent allowed by rules  
 11 adopted under section 350-1.4; ~~and~~

12 (11) Disclosure pursuant to a court order, after an in  
 13 camera review of the records by the court, upon a  
 14 showing of good cause by the party seeking the release  
 15 of the records~~[ ]~~; and

16 (12) Disclosure of the information required under section  
 17 11- (b) for voter registration."

18 SECTION 7. Section 346-29, Hawaii Revised Statutes, is  
 19 amended to read as follows:

20 "**§346-29 Applications for public assistance; manner, form,**  
 21 **conditions.** (a) Applications for public assistance under this



1 chapter shall be made by the applicant, or by someone acting in  
2 the applicant's behalf, in the manner, place, and form  
3 prescribed by the department.

4 (b) No applicant or recipient who is found guilty of  
5 fraudulently misrepresenting residence to obtain assistance in  
6 two or more states shall be entitled to public assistance under  
7 this chapter for ten years from date of conviction. No  
8 applicant or recipient shall be entitled to public assistance  
9 under this chapter who is a fugitive felon or who is in  
10 violation of a condition of probation or parole or has  
11 sufficient income or other resources to provide a standard above  
12 that provided in this chapter, or who is an inmate of any public  
13 institution, except that any inmate of a public institution who  
14 is otherwise eligible for medical assistance and who has been  
15 determined by the medical director of the institution as having  
16 a major illness or medical condition requiring the provision of  
17 medical care outside of the institution may receive assistance  
18 under this chapter. An inmate of a public institution or  
19 resident of a medical institution may apply for assistance to  
20 begin after the inmate's discharge from the institution. To  
21 enforce this subsection, the department shall examine each list



1 of inmates within, or newly admitted to, a correctional facility  
2 in the State that is submitted to the department by the director  
3 of public safety pursuant to section 353-12.5, regardless of the  
4 nature of the offense for which an inmate is incarcerated or the  
5 duration of incarceration, to determine whether an inmate is  
6 eligible for public assistance under this chapter.

7 (c) In determining the needs of an applicant or recipient  
8 for public assistance by the department, the department shall:

9 (1) Disregard the amounts of earned or unearned income as  
10 required or allowed by federal acts and other  
11 regulations, to receive federal funds and disregard  
12 from gross earned income twenty per cent plus \$200 and  
13 a percentage of the remaining balance of earned income  
14 consistent with federal regulations and other  
15 requirements;

16 (2) Consider as net income in all cases the income as  
17 federal acts and other regulations require the  
18 department to consider for receipt of federal funds  
19 and may consider the additional income and resources  
20 as these acts and regulations permit to be considered;



- 1           (3) For households with minor dependents, disregard assets  
2           in determining the needs of persons for financial  
3           assistance; provided that the amount to be disregarded  
4           shall not exceed standards under federally funded  
5           financial assistance programs. This paragraph shall  
6           not apply to persons eligible for federal supplemental  
7           security income benefits, aid to the aged, blind or  
8           disabled, or general assistance to households without  
9           minor dependents. In determining the needs of persons  
10          eligible for federal supplemental security income  
11          benefits, aid to the aged, blind or disabled, or  
12          general assistance to households without minor  
13          dependents, the department shall apply all the  
14          resource retention and exclusion requirements under  
15          the federal supplemental security income program;
- 16          (4) Apply the resource retention requirements under the  
17          federal supplemental security income program in  
18          determining the needs of a single person for medical  
19          assistance only;
- 20          (5) Apply the resource retention requirements under the  
21          federal supplemental security income program in





1 determining the needs of a family of two persons for  
2 medical assistance only and an additional \$250 for  
3 each additional person included in an application for  
4 medical assistance only;

5 (6) Disregard amounts of emergency assistance granted  
6 under section 346-65;

7 (7) Not consider as income or resources any payment for  
8 services to or on behalf of, or any benefit received  
9 by, a participant under the first-to-work program of  
10 part XI, other than wages. Wages earned by a  
11 participant while participating in the first-to-work  
12 program shall be considered income of the participant,  
13 unless the wages are excluded or disregarded under any  
14 other law;

15 (8) Not consider as income or resources payment made to  
16 eligible individuals, eligible surviving spouses,  
17 surviving children or surviving parents as specified  
18 under title I of the Civil Liberties Act of 1988,  
19 Public Law 100-383, which made restitution to  
20 individuals of Japanese ancestry who were interned  
21 during World War II;



- 1           (9) Allow the community spouse of an individual residing  
2           in a medical institution to maintain countable  
3           resources to the maximum allowed by federal statutes  
4           or regulations with provisions for increases, as  
5           allowed by the Secretary of Health and Human Services  
6           by means of indexing, court order, or fair hearing  
7           decree, without jeopardizing the eligibility of the  
8           institutionalized spouse for medical assistance;
- 9           (10) Allow an individual residing in a medical institution  
10           to contribute toward the support of the individual's  
11           community spouse, thereby enabling the community  
12           spouse to maintain the monthly maximum income allowed  
13           by federal statutes or regulations, with provisions  
14           for increases as allowed by the Secretary of Health  
15           and Human Services by means of indexing, court order,  
16           or fair hearing decree;
- 17           (11) Consider the transfer of assets from the applicant's  
18           name to another name within the specified time period  
19           as required by federal regulations, known as the  
20           "lookback" period, prior to the application for  
21           medical assistance for care in a nursing home or other



1 long-term care facility. Pursuant to rules adopted  
2 under chapter 91, the director may attribute any  
3 assets that have been transferred within the required  
4 federal "lookback" period from the applicant if the  
5 director determines that transfer of certain assets  
6 was made solely to make the applicant eligible for  
7 assistance under this chapter; and

8 (12) Not consider as income or resources any funds  
9 deposited into a family self-sufficiency escrow  
10 account on behalf of a participant under a federal  
11 housing choice voucher family self-sufficiency program  
12 as required or allowed under federal law.

13 (d) In determining eligibility for medical assistance, the  
14 department shall require from all applicants and recipients the  
15 assignment of any benefits due to a third party liability. Any  
16 rights or amounts so assigned shall be applied against the cost  
17 of medical care paid under this chapter.

18 (e) Applications for public assistance shall include the  
19 information required under section 11- (b) for voter  
20 registration.



1        [~~e~~] (f) The director shall adopt rules pursuant to  
2 chapter 91 defining assets and to determine eligibility for  
3 medical assistance; provided that the cash surrender value of  
4 life insurance policies owned by persons included in an  
5 application shall be treated as assets."

6        SECTION 8. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$                    or so much  
8 thereof as may be necessary for fiscal year 2019-2020 and the  
9 same sum or so much thereof as may be necessary for fiscal year  
10 2020-2021 for the electronic transmission, receipt, and  
11 processing of voter registration information pursuant to this  
12 Act.

13        The sums appropriated shall be expended by the office of  
14 elections for the purposes of this Act.

15        SECTION 9. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17        SECTION 10. This Act shall take effect on January 1, 2020;  
18 provided that section 8 shall take effect on July 1, 2019.

19

INTRODUCED BY: \_\_\_\_\_



JAN 24 2019



**Report Title:**

Automatic Voter Registration; Department of Taxation; Tax Return; Department of Human Services; Public Assistance; Opt out; Appropriations

**Description:**

Beginning on 1/1/2020, requires that any person who is eligible to vote and submits a state tax return or application for public assistance shall be automatically registered to vote if that person is not already registered to vote; provided that, upon receipt of notification from the respective county clerk, the applicant shall have 21 calendar days to opt out of automatic voter registration. Appropriates funds.

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

