

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO AUTOMATIC VOTER REGISTRATION.

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

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

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

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

- 13           (1) Been confirmed electronically as a currently  
14               registered voter;  
15           (2) Applied on the application form to register to vote;  
16               or



1       (3) Affirmatively declined on the application form to  
2           register to vote.

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

10       (d) The examiner of drivers and the state department of  
11       transportation shall maintain current electronic database  
12       records indicating each driver's license or civil identification  
13       card holder's status as a registered voter, in addition to any  
14       other information referred to in subsection (e).

15       (e) The examiner of drivers shall electronically transmit  
16       to the office of elections, on a real time basis, information  
17       required by this subsection for any applicant who is a currently  
18       registered voter or any applicant who is a United States citizen  
19       and has not affirmatively declined to register to vote. The  
20       information required for electronic transmittal includes an  
21       applicant's:



- 1        (1) Name;
- 2        (2) Date of birth;
- 3        (3) Last four digits of the social security number;
- 4        (4) Driver's license number or civil identification card
- 5                number;
- 6        (5) Residence address;
- 7        (6) Mailing address;
- 8        (7) Digitized signature;
- 9        (8) Application in electronic form;
- 10       (9) Status as a currently registered voter;
- 11       (10) Voter registration portion of the application,
- 12                specifically whether it is completed fully;
- 13       (11) Status as a permanent absentee voter; and
- 14       (12) Other information as specified by the chief election
- 15                officer.
- 16       (f) Databases maintained or operated by the department of
- 17 transportation or the counties that contain driver's license and
- 18 civil identification card information, including any documents
- 19 or images, shall be accessible electronically by election
- 20 officials and the statewide voter registration system to allow
- 21 for:



- 1        (1) Timely processing of voter registration applications;
- 2        (2) Verification of information provided by online voter
- 3        registration applicants under section 11-15.3;
- 4        (3) Assurance of the integrity of the voter registration
- 5        rolls; or
- 6        (4) For any other election purpose."

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

9        **"§286-109 General provision governing the issuance of**  
10 **licenses.** (a) Upon payment of the required fee and upon  
11 demonstrating the ability to operate a certain category or  
12 categories of motor vehicles to the satisfaction of the examiner  
13 of drivers, an applicant for a driver's license shall be issued  
14 a single license of a design approved by the director of  
15 transportation upon which is made a notation of:

- 16        (1) The category or categories of motor vehicles the
- 17        applicant may operate;
- 18        (2) Any restrictive provisions to which the license is
- 19        subject;
- 20        (3) Veteran status, if desired by the applicant; provided
- 21        that the notation shall be on the front of the license



1 and shall not include any designation other than the  
2 term "veteran"; and

3 (4) When the license is issued to a person under twenty-  
4 one years of age, a statement, in clearly legible  
5 print that shall contrast with the other information  
6 appearing on the license, which indicates the date on  
7 which the person will attain the age of twenty-one  
8 years.

9 As used in this subsection, "veteran" means any person who  
10 served in any of the uniformed services of the United States,  
11 including veterans of the Korean conflict and persons who served  
12 in the armed forces of the Republic of Korea, who fought under  
13 the command of the United Nations led by the United States,  
14 during the Korean conflict and are currently United States  
15 citizens, and was discharged under conditions other than  
16 dishonorable.

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

20 (c) Statutes of limitations and other provisions of this  
21 chapter notwithstanding, no driver's license or instruction



1 permit shall be issued or renewed under this section, where the  
2 examiner of drivers is notified by the district judge, traffic  
3 violations bureaus of the district courts, or the judge of the  
4 circuit court that the applicant has failed to respond to a  
5 traffic citation or summons, or failed to appear in court after  
6 an arrest for the violation of any traffic laws of a county,  
7 this chapter or chapter 286G, 287, 290, 291, or 291C, or of any  
8 motor vehicle insurance laws under article 10C of chapter 431,  
9 or of any motorcycle or motor scooter insurance laws under  
10 article 10G of chapter 431, and the same remains delinquent and  
11 outstanding, or the applicant, has as of the time of the  
12 application, failed to comply in full with all orders of the  
13 court; provided that the district court with whose order an  
14 applicant has failed to comply in full, may approve the issuance  
15 or renewal of a driver's license or instruction permit other  
16 than a commercial driver's license upon conditions imposed by  
17 the court for the satisfaction of the outstanding court order  
18 and any other conditions as may be imposed by the court, if one  
19 or more of the following conditions are met:



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

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

12           A driver's license or instruction permit issued or renewed  
13 under this subsection shall be subject to immediate suspension  
14 by the court upon the applicant's failure to remain in full  
15 compliance with all conditions imposed by the court for the  
16 issuance or renewal of the driver's license or instruction  
17 permit. The examiner of drivers may place an indication of  
18 restriction upon a driver's license or instruction permit issued  
19 or renewed under this subsection. Proof of financial  
20 responsibility under section 287-20 shall not apply to the



1 issuance or renewal of driver's licenses or instruction permits  
2 under this subsection.

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

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

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

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

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

19 (d) The issuance of an identification card pursuant to  
20 this section shall not place upon the State of Hawaii or any  
21 agency any liability for the misuse or the acceptance of [~~the~~]





1 an identification card as valid identification, which shall be  
2 left entirely to the discretion of any individual to whom [~~such~~]  
3 an identification card is presented.

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

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

9 "(a) [~~All~~] Except for the purposes of sections 11- ,  
10 286-109, and 286-301, information and records acquired by the  
11 examiner of drivers under this part shall be confidential. All  
12 information and records shall be maintained in an appropriate  
13 form and in an appropriate office in the custody and under the  
14 control of the examiner. The information shall be available  
15 only to authorized individuals under [~~such~~] any restrictions as  
16 the director shall prescribe. The examiner may dispose of any  
17 application or identification card, or information or record  
18 relating to the application or identification card, [~~which~~] that  
19 does not include a social security number, without regard to  
20 chapter 94, whenever, in the examiner's discretion, retention of  
21 the information or record is no longer required or practicable."



# S.B. NO. 134

1 SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.

4

INTRODUCED BY:

*M. M.*  
By Request



# S.B. NO. 134

**Report Title:**

Office of Elections Package; DOT; Automatic Voter Registration;  
Driver's Licenses; Civil Identification Cards

**Description:**

Establishes automatic voter registration upon application for a driver's license or civil identification card, except when an applicant affirmatively declines on an application to register to vote. Requires the examiner of drivers to electronically transmit to the Office of Elections certain information associated with currently registered and newly registered voters. Requires accessibility of certain databases maintained or operated by the Department of Transportation or the counties.

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

