

JAN 18 2019

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 recognizes that in 2017, the
2 department of transportation and the office of elections entered
3 into a memorandum of agreement to authorize the office of
4 elections to access the driver's license and state
5 identification databases to ensure the integrity of voter
6 registration rolls and authorize the electronic transfer of
7 voter registration information.

8 The purpose of this Act is to promote voter registration
9 and facilitate the execution of the memorandum of agreement
10 between the department of transportation and the office of
11 elections.

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

15 "§11-A Applications for driver's license or identification
16 card. (a) Notwithstanding any law to the contrary, the
17 affidavit application for voter registration required by section



1 11-15 shall be a part of the application required for the
2 issuance of a driver's license under section 286-109 and an
3 identification card under section 286-301. Each application
4 shall include a space to request a permanent absentee ballot.

5 (b) An application for a driver's license or an
6 identification card shall not be processed until the applicant:

7 (1) Has been confirmed electronically to be a registered
8 voter; or

9 (2) After having read the eligibility requirements, has

10 (A) Applied to register to vote; or

11 (B) Affirmatively declined on the application form to
12 register to vote.

13 (c) If an applicant for a driver's license or an
14 identification card is a registered voter, the application shall
15 serve to automatically update the applicant's voter registration
16 residence address, mailing address, or name, as may be
17 applicable, unless the applicant affirmatively declines the
18 update.

19 (d) The examiner of drivers and the department of
20 transportation shall indicate in their respective databases
21 whether the holder of a driver's license or an identification



1 card is a registered voter, in addition to any other information
2 referred to in subsection (e). The examiner of drivers shall
3 not transmit any information necessary to register an applicant
4 as a voter if that applicant affirmatively declines to be
5 registered to vote.

6 (e) The examiner of drivers shall electronically transmit
7 to the office of elections, on a real time basis, the following
8 information associated with each applicant who is a United States
9 citizen who is a registered voter or who has not affirmatively
10 declined to register to vote:

- 11 (1) Name;
- 12 (2) Date of birth;
- 13 (3) Last four digits of the social security number;
- 14 (4) Driver's license number or identification card number;
- 15 (5) Gender;
- 16 (6) Residence address;
- 17 (7) Mailing address;
- 18 (8) Digitized signature;
- 19 (9) Electronic copy of the application;
- 20 (10) Whether the applicant is a registered voter;



1 (11) Whether the applicant has fully completed the voter
2 registration portion of the application;

3 (12) Whether the applicant chose to become a permanent
4 absentee voter; and

5 (13) Other information specified by the chief election
6 officer.

7 (f) Databases maintained or operated by the counties or the
8 department of transportation containing driver's license and
9 identification card information, including any documents or
10 images, shall be electronically accessible by election officials
11 and the statewide voter registration system:

12 (1) To allow for the timely processing of voter
13 registration applications;

14 (2) To facilitate verification of information provided by
15 online voter registration applicants under section 11-
16 15.3;

17 (3) To ensure the integrity of the voter registration
18 rolls; or

19 (4) For any other election purpose.



1 §11-B Voter registration privacy; rules. The chief
2 election officer shall adopt rules pursuant to chapter 91 that
3 shall:

4 (1) Prohibit the disclosure of information relating to
5 persons:

6 (A) In an address confidentiality program;

7 (B) In categories designated confidential by federal
8 or state law, including victims of domestic
9 violence or stalking, prosecutors and law
10 enforcement personnel, and participants in a
11 witness protection program; and

12 (C) Who have applied to their county clerks for
13 address confidentiality on the basis of concerns
14 for safety;

15 (2) Prohibits public disclosure of any information not
16 necessary to voter registration, including credit card
17 information received in the course of an underlying
18 transaction with any state or county governmental
19 agency;



- 1 (3) Protects against public disclosure of social security
2 numbers and digits, driver's license numbers, and
3 signatures;
- 4 (4) Prohibits public disclosure of any individual's
5 decision to decline to register to vote;
- 6 (5) Prohibits state and county agencies from transmitting
7 to election officials information other than that
8 required for voter registration or specified
9 information relevant to the administration of
10 elections; and
- 11 (6) Prohibits state and county agencies from sharing with
12 any federal agency information regarding citizenship
13 or country of origin.

14 **§11-C Protections against liability of individuals on**
15 **basis of information transferred.** Notwithstanding any law to
16 the contrary, unless an ineligible individual wilfully and
17 knowingly takes affirmative steps to register to vote knowing
18 that the individual is not eligible to do so, the record and
19 signature of an ineligible individual that is transmitted
20 through an electronic system by a state or county agency to any
21 elections or voter registration authority shall not be



1 considered to have registered to vote. Therefore, if the State
 2 processes a person's voter registration application,
 3 registration shall be presumed to have been effectuated and
 4 officially authorized by the State and the individual shall not
 5 be subject to any penalty under any relevant state or county
 6 law.

7 **§11-D Prevention of removal from voter registration list.**

8 Citizens who either update or confirm their existing
 9 registration through the automatic voter registration system
 10 shall be considered to have engaged in voter activity and
 11 treated as though they submitted a written confirmation of
 12 address or new registration form to their local board of
 13 elections. These citizens shall be removed from any lists for
 14 removal from the active or inactive voter registration list
 15 pursuant to Section 8 of the National Voter Registration Act."

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

19 **"§286-A Voter registration.** (a) A qualified applicant
 20 for a new or renewed motor vehicle driver's license, provisional
 21 license, or instruction permit shall automatically be registered



1 to vote with the clerk of the appropriate county upon completion
2 of the license or permit application as required in section
3 11-A unless the applicant affirmatively declines, on the
4 application form, to be registered to vote.

5 (b) Unless an applicant affirmatively declines to be
6 registered to vote, the submission of the application shall be
7 deemed to authorize the examiner of drivers to collect and
8 transmit the information necessary to register the applicant as
9 a voter, and the examiner of drivers shall electronically
10 transmit the necessary information to the clerk of the county in
11 which the applicant resides and to election officials and the
12 statewide voter registration system pursuant to section 11-A(e).
13 The examiner of drivers shall not transmit any information
14 necessary to register an applicant as a voter if that applicant
15 affirmatively declines to vote.

16 (c) For the purposes of this section, "qualified
17 applicant" means a person who qualifies by law to register as a
18 voter."

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



1 "§286-B Voter registration. (a) A qualified applicant
2 for a new, renewal, or duplicate identification card shall
3 automatically be registered to vote with the clerk of the
4 appropriate county upon completion of an application for
5 identification card as required by section 11-A unless the
6 applicant affirmatively declines, on the application form, to be
7 registered to vote.

8 (b) Unless an applicant affirmatively declines to be
9 registered to vote, the submission of the application shall be
10 deemed to authorize the examiner of drivers to collect and
11 transmit the information necessary to register the applicant as
12 a voter, and the examiner of drivers shall electronically
13 transmit the necessary information to the clerk of the county in
14 which the applicant resides and to election officials and the
15 statewide voter registration system pursuant to section 11-A(e).
16 The examiner of drivers shall not transmit any information
17 necessary to register an applicant as a voter if that applicant
18 affirmatively declines to vote.

19 (c) For the purposes of this section, "qualified
20 applicant" means a person who qualifies by law to register as a
21 voter."



1 SECTION 5. Section 286-108, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 **"§286-108 Examination of applicants.** (a) Except as
4 provided in section 286-107.5(a), the examiner of drivers shall
5 examine every applicant for a driver's license, except as
6 otherwise provided in this part. The examination shall include
7 a test of:

- 8 (1) The applicant's eyesight and any further physical
9 examination that the examiner of drivers finds
10 necessary to determine the applicant's fitness to
11 operate a motor vehicle safely upon the highways;
- 12 (2) The applicant's ability to understand highway signs
13 regulating, warning, and directing traffic;
- 14 (3) The applicant's knowledge of the rules of the road
15 based on the traffic laws of the State and the traffic
16 ordinances of the county where the applicant resides
17 or intends to operate a motor vehicle; provided that
18 the examination shall specifically test the
19 applicant's knowledge of the provisions of section
20 291C-121.5 and section 291C-137; and



1 (4) The actual demonstration of ability to exercise
2 ordinary and reasonable control in the operation of a
3 motor vehicle.

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

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

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

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

18 For the purposes of this section, the term "applicant" does
19 not include any person reactivating a license under section
20 286-107.5(a)."



1 SECTION 6. Section 286-109, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§286-109 General provision governing the issuance of**
4 **licenses.** (a) Upon payment of the required fee and upon
5 demonstrating the ability to operate a certain category or
6 categories of motor vehicles to the satisfaction of the examiner
7 of drivers, an applicant for a driver's license shall be issued
8 a single license of a design approved by the director of
9 transportation upon which is made a notation of:

- 10 (1) The category or categories of motor vehicles the
11 applicant may operate;
- 12 (2) Any restrictive provisions to which the license is
13 subject;
- 14 (3) Veteran status, if desired by the applicant; provided
15 that the notation shall be on the front of the license
16 and shall not include any designation other than the
17 term "veteran"; and
- 18 (4) When the license is issued to a person under twenty-
19 one years of age, a statement, in clearly legible
20 print that shall contrast with the other information
21 appearing on the license, [~~which~~] that indicates the



1 date on which the person will attain the age of
2 twenty-one years.

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

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

14 (c) Statutes of limitations and other provisions of this
15 chapter notwithstanding, no driver's license or instruction
16 permit shall be issued or renewed under this section, where the
17 examiner of drivers is notified by the district judge, traffic
18 violations bureaus of the district courts, or the judge of the
19 circuit court that the applicant has failed to respond to a
20 traffic citation or summons, or failed to appear in court after
21 an arrest for the violation of any traffic laws of a county,



1 this chapter or chapter 286G, 287, 290, 291, or 291C, or of any
2 motor vehicle insurance laws under article 10C of chapter 431,
3 or of any motorcycle or motor scooter insurance laws under
4 article 10G of chapter 431, and the same remains delinquent and
5 outstanding, or the applicant, has as of the time of the
6 application, failed to comply in full with all orders of the
7 court; provided that the district court with whose order an
8 applicant has failed to comply in full, may approve the issuance
9 or renewal of a driver's license or instruction permit other
10 than a commercial driver's license upon conditions imposed by
11 the court for the satisfaction of the outstanding court order
12 and any other conditions as may be imposed by the court, if one
13 or more of the following conditions are met:

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

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

19 provided further that if the applicant has failed to comply in
20 full with orders of the district court of more than one circuit,
21 the applicant shall obtain the approval of the district court of



1 each circuit in which the applicant has an outstanding court
2 order before a driver's license or instruction permit may be
3 issued or renewed under this subsection.

4 A driver's license or instruction permit issued or renewed
5 under this subsection shall be subject to immediate suspension
6 by the court upon the applicant's failure to remain in full
7 compliance with all conditions imposed by the court for the
8 issuance or renewal of the driver's license or instruction
9 permit. The examiner of drivers may place an indication of
10 restriction upon a driver's license or instruction permit issued
11 or renewed under this subsection. Proof of financial
12 responsibility under section 287-20 shall not apply to the
13 issuance or renewal of driver's licenses or instruction permits
14 under this subsection.

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

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

19 "[+]§286-301[+] **Issuance of identification card or**
20 **temporary card.** (a) To obtain an identification card from the



1 examiner of drivers, an individual shall complete an application
2 pursuant to section 286-303.

3 (b) The examiner of drivers, upon receipt of the
4 application by any individual who is a resident or a temporary
5 resident of this State, shall issue an identification card to
6 that individual upon receipt of any appropriate fee established
7 pursuant to section 286-309.

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

11 (d) The issuance of an identification card pursuant to
12 this section shall not place upon the State of Hawaii or any
13 agency any liability for the misuse or the acceptance of the
14 identification card as valid identification, which shall be left
15 entirely to the discretion of any individual to whom such card
16 is presented.

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

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



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

15 SECTION 9. In codifying the new sections added by sections
16 2, 3, and 4 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 10. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

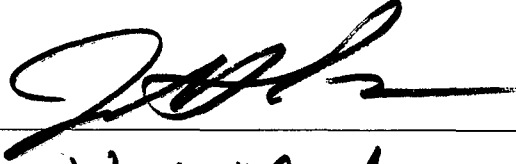


S.B. NO. 215

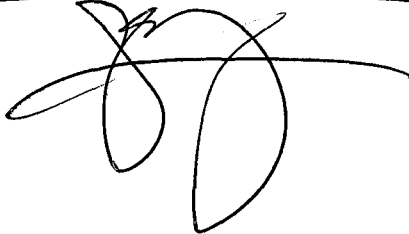
1 SECTION 11. This Act shall take effect on January 1, 2020.

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INTRODUCED BY:



Kal Brook
Kurt Ferella





S.B. NO. 215

Report Title:

Voter Registration; Examiner of Drivers; Driver's Licenses; Identification Cards; DOT

Description:

Makes completion of a voter registration application affidavit a mandatory part of all driver's license and identification card applications. Automatically registers each applicant for voting unless the applicant affirmatively declines to register. Requires sharing of information among the counties, Department of Transportation, and election personnel.

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