
A BILL FOR AN ACT

RELATING TO 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 four new sections to part II to be appropriately
3 designated and to read as follows:

4 "§11-A Applications for driver's license or identification
5 card. (a) Notwithstanding any law to the contrary, the
6 affidavit application for voter registration required by section
7 11-15 shall be a part of the application for a driver's license
8 under section 286-111 and the application for an identification
9 card under section 286-303. Each application for a driver's
10 license or identification card shall include a space to request
11 a permanent absentee ballot.

12 (b) For applicants eligible to vote in this State, the
13 application for a driver's license or an identification card
14 shall not be processed until the applicant:

15 (1) Has been confirmed electronically to be a registered
16 voter; or



1 (2) If not registered to vote, has applied to register to
2 vote.

3 (c) If an applicant for a driver's license or an
4 identification card is a registered voter, the application shall
5 serve to automatically update the applicant's voter registration
6 residence address, mailing address, or name, as applicable. The
7 applicant shall not have the option to decline the automatic
8 update.

9 (d) The examiner of drivers and the department of
10 transportation shall indicate in their respective databases
11 whether the holder of a driver's license or an identification
12 card is a registered voter, in addition to any other information
13 referred to in subsection (e).

14 (e) The examiner of drivers shall electronically transmit
15 to the office of elections, on a real-time basis, the following
16 information associated with each applicant who is a United States
17 citizen and a registered voter:

18 (1) Name;

19 (2) Date of birth;

20 (3) Last four digits of the social security number;



- 1 (4) Driver's license number or identification card number;
- 2 (5) Gender;
- 3 (6) Residence address;
- 4 (7) Mailing address;
- 5 (8) Digitized signature;
- 6 (9) Electronic copy of the application;
- 7 (10) Whether the applicant chose to become a permanent
- 8 absentee voter; and
- 9 (11) Other information specified by the chief election
- 10 officer.
- 11 (f) Databases maintained or operated by the counties or the
- 12 department of transportation containing driver's license or
- 13 identification card information, including any documents or
- 14 images, shall be electronically accessible by election officials
- 15 and the statewide voter registration system:
- 16 (1) To allow for the timely processing of voter
- 17 registration applications;
- 18 (2) To facilitate verification of information provided by
- 19 online voter registration applicants under section
- 20 11-15.3;



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- 1 (3) To ensure the integrity of the voter registration
- 2 rolls; or
- 3 (4) For any other election purpose.

4 **§11-B Voter registration privacy; rules.** The chief
 5 election officer shall adopt rules pursuant to chapter 91 that
 6 shall:

7 (1) Prohibit the disclosure of information relating to
 8 persons:

- 9 (A) In an address confidentiality program;
- 10 (B) In categories designated confidential by federal
 11 or state law, including victims of domestic
 12 violence or stalking, prosecutors and law
 13 enforcement personnel, and participants in a
 14 witness protection program; and
- 15 (C) Who have applied to their county clerks for
 16 address confidentiality on the basis of concerns
 17 for safety;

18 (2) Prohibits public disclosure of any information not
 19 necessary to voter registration, including credit card
 20 information received in the course of an underlying



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

16 **§11-C Protections against liability of ineligible**

17 **individuals on basis of information transferred.**

18 Notwithstanding any law to the contrary, if an ineligible

19 individual registers to vote in this State and the record and

20 signature of the individual is transmitted through an electronic

21 system by a state or county agency to any elections or voter



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

8 §11-D Prevention of removal from voter registration list.

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

17 SECTION 2. Chapter 286, Hawaii Revised Statutes, is
18 amended by adding a new section to part VI to be appropriately
19 designated and to read as follows:



1 "§286-A Voter registration. (a) A qualified applicant
2 for a new or renewed motor vehicle driver's license or
3 provisional license shall automatically be registered to vote
4 with the clerk of the appropriate county upon completion of the
5 license application as required in section 11-A.

6 (b) The submission of the application shall be deemed to
7 authorize the examiner of drivers to collect and transmit the
8 information necessary to register the applicant as a voter, and
9 the examiner of drivers shall electronically transmit the
10 necessary information to the office of elections pursuant to
11 section 11-A(e), the clerk of the county in which the applicant
12 resides, and to the statewide voter registration system.

13 (c) For the purposes of this section, "qualified
14 applicant" means a person who is eligible by law to register as
15 a voter in this State."

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

19 "§286-B Voter registration. (a) A qualified applicant
20 for a new, renewal, or duplicate identification card shall
21 automatically be registered to vote with the clerk of the



1 appropriate county upon completion of an application for
2 identification card as required by section 11-A.

3 (b) The submission of the application shall be deemed to
4 authorize the examiner of drivers to collect and transmit the
5 information necessary to register the applicant as a voter, and
6 the examiner of drivers shall electronically transmit the
7 necessary information to the office of elections pursuant to
8 section 11-A(e), the clerk of the county in which the applicant
9 resides, and to the statewide voter registration system.

10 (c) For the purposes of this section, "qualified
11 applicant" means a person who is eligible by law to register as
12 a voter in this State."

13 SECTION 4. Section 286-108, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) Except as provided in section 286-107.5(a), the
16 examiner of drivers shall examine every applicant for a driver's
17 license, except as otherwise provided in this part. The
18 examination shall include a test of:

19 (1) The applicant's eyesight and any further physical
20 examination that the examiner of drivers finds



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

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

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



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

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

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

13 SECTION 5. Section 286-111, Hawaii Revised Statutes, is
 14 amended by amending subsection (d) to read as follows:

15 "(d) Every application shall state the full name, date of
 16 birth, sex, occupation, veteran status if applicable (including
 17 veterans of the Korean conflict and persons who served in the
 18 armed forces of the Republic of Korea, who fought under the
 19 command of the United Nations led by the United States, during
 20 the Korean conflict and are currently United States citizens)
 21 and desired by the applicant, social security number if the



1 applicant is eligible for a social security number, the
2 residence address, and business address, if any, of the
3 applicant, shall briefly describe the applicant, and shall state
4 whether the applicant has theretofore been licensed as a driver,
5 and, if so, when and in what state or country, and whether any
6 such license has ever been suspended or revoked, or whether an
7 application has ever been refused, and if so, the date of and
8 reason for the suspension, revocation, or refusal.

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

11 SECTION 6. Section 286-303, Hawaii Revised Statutes, is
12 amended by amending subsection (e) to read as follows:

13 "(e) ~~[The]~~ An application for an identification card from
14 the examiner of drivers ~~[, in accordance with section 11-15, at~~
15 ~~the time of application,]~~ shall ~~[make available an application~~
16 ~~for voter registration to every applicant for an identification~~
17 ~~card who is eligible to register to vote.]~~ include the
18 information required under section 11-A(a)."

19 SECTION 7. Section 286-311, Hawaii Revised Statutes, is
20 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, 286-111, and 286-303,
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 8. In codifying the new sections added by sections
16 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 9. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



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1 SECTION 10. This Act shall take effect on January 1, 2020.

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H.B. NO. 1277

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. Requires sharing of information among the counties, Department of Transportation, and election personnel.

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

