
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;



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

3 (3) Has affirmatively declined to register to vote.

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

10 (d) The examiner of drivers and the department of
11 transportation shall indicate in their respective databases
12 whether the holder of a driver's license or an identification
13 card is a registered voter, in addition to any other information
14 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, the following
17 information associated with each applicant who is a United States
18 citizen and is or applies to be a registered voter:

19 (1) Name;

20 (2) Date of birth;

21 (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 relevant voter registration information
10 requested by the chief election 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;



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) Prohibit 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) Protect against public disclosure of social security
4 numbers and digits, driver's license numbers, and
5 signatures;
- 6 (4) Prohibit public disclosure of any individual's
7 decision to decline to register to vote;
- 8 (5) Prohibit 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) Prohibit 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 Persons who either update or confirm their existing registration
 10 through the automatic voter registration system shall be
 11 considered to have engaged in voter activity and treated as
 12 though they submitted a written confirmation of address or new
 13 registration form to the clerk of the appropriate county. These
 14 persons shall be removed from any lists for removal from the
 15 active or inactive voter registration list pursuant to Section 8
 16 of the National Voter Registration Act of 1993, P.L. 103-31."

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 application for a driver's license pursuant to 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 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 an
2 identification card pursuant to 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 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.

21 SECTION 10. This Act shall take effect on January 28, 2081.



Report Title:

Voter Registration; Driver's Licenses; Identification Cards; DOT

Description:

Makes inclusion of an affidavit application for voter registration mandatory for all driver's license and identification card applications. Automatically registers each applicant who elects to register for voting. Requires sharing of information among the counties, DOT, and election personnel. (HB1217 HD1)

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

