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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 an  
4 application for a new or renewed motor vehicle driver's license,  
5 provisional license, instruction permit, limited purpose  
6 driver's license, limited purpose provisional driver's license,  
7 limited purpose instruction permit, or identification card shall  
8 automatically be registered to vote as provided in subsection  
9 (d).

10           (b) The examiner of drivers of each county shall use  
11 application forms for an original, duplicate, or change of  
12 address driver's license, provisional license, instruction  
13 permit, limited purpose driver's license, limited purpose  
14 provisional driver's license, limited purpose instruction  
15 permit, or identification card as voter registration  
16 applications. The forms shall contain spaces for all  
17 information required by section 11-15. Within five calendar  
18 days of collection, the examiner of drivers of each county shall  
19 electronically transmit the voter registration information to  
20 the clerk of the county in which the applicant resides, election  
21 officials, and the statewide voter registration system pursuant



1 to subsection (e); provided that the examiner of drivers shall  
2 not transmit any information necessary to register an applicant  
3 as a voter if that applicant affirmatively declines to be  
4 registered to vote.

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

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



1 register the name of the voter in the general county register as  
2 provided in section 11-14.

3 (e) Databases maintained or operated by the counties or  
4 the department of transportation containing driver's license,  
5 provisional license, instruction permit, or identification card  
6 information, including any documents or images, shall be  
7 directly accessible and provided electronically to election  
8 officials and the statewide voter registration system to allow  
9 for the timely processing of voter registration applications,  
10 ensure the integrity of the voter registration rolls, and for  
11 any other government purpose, as determined by the director of  
12 transportation, and upon request by the chief election officer  
13 to the director of transportation for the electronic  
14 transmission of the information; provided that the chief  
15 election officer shall establish and implement an information  
16 privacy policy that:

17 (1) Specifies each class of internal users who shall have  
18 authorized access to the statewide voter registration  
19 system, specifies for each class the permissions and  
20 levels of access to be granted, and sets forth other



- 1           safeguards to protect the privacy of the information  
2           on the statewide voter registration system;
- 3           (2) Prohibits any disclosure or transmission of any  
4           information not necessary to voter registration,  
5           including credit card information received in the  
6           course of the underlying transaction with the examiner  
7           of drivers of each county;
- 8           (3) Protects against public disclosure of full or partial  
9           social security numbers, driver's license numbers, and  
10           signatures;
- 11           (4) Prohibits public disclosure of an individual's  
12           decision to not register to vote;
- 13           (5) Prohibits the examiner of drivers of each county from  
14           transmitting to county clerks information other than  
15           that required for voter registration or specified  
16           information relevant to the administration of  
17           elections;
- 18           (6) Prohibits agencies from sharing individuals'  
19           citizenship status or information regarding country of  
20           origin with any federal agency; and



1       (7) Prohibits the disclosure of information relating to  
2       persons eligible for confidentiality of record  
3       information pursuant to section 11-14.5 and informs  
4       individuals of the confidentiality protections  
5       available under section 11-14.5."

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

9       "**§286-A Automatic voter registration; driver licensing;**

10      opt-out. (a) The examiner of drivers of each county shall  
11      electronically transmit information that is required by section  
12      11- (b) to the clerk of the county in which the applicant  
13      resides for all qualified applicants who properly complete and  
14      submit an application for a new or renewed motor vehicle  
15      driver's license, provisional license, instruction permit,  
16      limited purpose driver's license, limited purpose provisional  
17      driver's license, or limited purpose instruction permit.

18      (b) The clerk of the county in which the qualified  
19      applicant resides shall provide written notification to the  
20      applicant of the process to opt out of the automatic voter  
21      registration; provided that, upon receipt of notification from



1 the respective clerk, the qualified applicant shall have twenty-  
2 one calendar days to opt out of automatic voter registration  
3 pursuant to section 11- (d).

4 (c) For the purposes of this section, "qualified  
5 applicant" means a person who qualifies to register as a voter  
6 pursuant to section 11-15."

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

10 **"§286-B Automatic voter registration; identification card;**  
11 **opt-out.** (a) The examiner of drivers of each county shall  
12 electronically transmit information that is required by section  
13 11- (b) to the clerk of the county in which the applicant  
14 resides for all qualified applicants who properly complete and  
15 submit an application for an identification card pursuant to  
16 section 286-303.

17 (b) The clerk of the county in which the qualified  
18 applicant resides shall provide written notification to the  
19 applicant of the process to opt out of the automatic voter  
20 registration; provided that, upon receipt of notification from  
21 the respective clerk, the qualified applicant shall have twenty-





1 one calendar days to opt out of automatic voter registration  
2 pursuant to section 11- (d).

3 (c) For the purposes of this section, "qualified  
4 applicant" means a person who qualifies to register as a voter  
5 pursuant to section 11-15."

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

8 "(c) The applicant shall then affix the applicant's  
9 signature to the affidavit. In the case where an applicant is  
10 unable to write for the reason of illiteracy, blindness, or  
11 other physical disability, the applicant's mark shall be  
12 witnessed by another person who shall sign the affidavit in the  
13 space provided. A voter having once been registered shall not  
14 be required to register again for any succeeding election,  
15 except as provided in this chapter. Affidavits approved by the  
16 clerk shall thereupon be numbered appropriately, filed by the  
17 clerk, and kept available for election or government purposes in  
18 accordance with procedures established by section 11-97.  
19 Approved voter registration transactions conducted through the  
20 online voter registration system established pursuant to section  
21 11-15.3 and automatic voter registration established pursuant to



1 section 11- shall be assigned a transaction number in a  
2 manner that is substantially similar to the numbering of  
3 affidavits."

4 SECTION 6. Section 286-108, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

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

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



1 applicant's knowledge of the provisions of section  
2 291C-121.5 and section 291C-137; and

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

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

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

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

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



1 For the purposes of this section, the term "applicant" does  
2 not include any person reactivating a license under section  
3 286-107.5(a)."

4 SECTION 7. Section 286-111, Hawaii Revised Statutes, is  
5 amended by amending subsection (d) to read as follows:

6 "(d) Every application shall state the full name, date of  
7 birth, sex, occupation, veteran status if applicable (including  
8 veterans of the Korean conflict and persons who served in the  
9 armed forces of the Republic of Korea, who fought under the  
10 command of the United Nations led by the United States, during  
11 the Korean conflict and are currently United States citizens)  
12 and desired by the applicant, social security number if the  
13 applicant is eligible for a social security number, the  
14 residence address, and business address, if any, of the  
15 applicant, any information required for an application to  
16 register to vote pursuant to section 11-15, shall briefly  
17 describe the applicant, and shall state whether the applicant  
18 has theretofore been licensed as a driver, and, if so, when and  
19 in what state or country, and whether any such license has ever  
20 been suspended or revoked, or whether an application has ever



1 been refused, and if so, the date of and reason for the  
2 suspension, revocation, or refusal."

3 SECTION 8. Section 286-303, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 **"§286-303 Application for identification card. (a)**

6 Application for the identification card shall be made in person  
7 by any adult or minor. The minimum age for minors to obtain an  
8 identification card shall be ten years of age. In the case of a  
9 minor under the age of fourteen years, the application shall be  
10 made on the minor's behalf by the parent, or by another  
11 individual in loco parentis of the minor who can provide proof  
12 of guardianship. In the case of an incompetent individual, the  
13 application shall be made by the individual having the custody  
14 or control of or maintaining the incompetent individual.

15 (b) Application for renewal of an identification card  
16 issued after November 1, 1998, for an individual eighty years of  
17 age or older may be done by mailing in a completed application  
18 and fee, if there is no change in name and citizenship status.  
19 The director shall adopt rules to allow for renewal by mail for  
20 individuals with physical or intellectual disabilities for whom  
21 application in person presents a serious burden. For an



1 individual who has a letter from a licensed primary care  
2 provider certifying that a severe disability causes the  
3 individual to be homebound, the director shall adopt rules  
4 allowing for application for renewal of an identification card  
5 under this section by means other than in-person appearance.

6 (c) Every application for an identification card or  
7 duplicate of an identification card shall be made on a form  
8 developed by the director and furnished by the examiner of  
9 drivers, signed by the applicant, and signed by the applicant's  
10 parent or guardian if the applicant is under eighteen years of  
11 age. The application shall contain the following information:

- 12 (1) Name and complete address, including the number and  
13 street name, of the applicant's permanent residence;
- 14 (2) The applicant's occupation and any pertinent data  
15 relating thereto;
- 16 (3) The applicant's citizenship status;
- 17 (4) The applicant's veteran status if applicable and  
18 desired by the applicant;
- 19 (5) The applicant's date and place of birth;



- 1           (6) General description of the applicant, including the  
2           applicant's gender, height, weight, hair color, and  
3           eye color;
- 4           (7) The applicant's left and right index fingerprints or,  
5           if clear impressions cannot be obtained, other  
6           identifying imprints as specified by rules of the  
7           director;
- 8           (8) The social security number of the applicant; [~~and~~]
- 9           (9) A digitized frontal photograph of the applicant's full  
10          face[-]; and
- 11          (10) Any additional information required for an application  
12          to register to vote pursuant to section 11-15.

13 Each applicant shall present documentary evidence as required by  
14 the examiner of drivers of the applicant's age and identity, and  
15 the applicant shall swear or affirm that all information given  
16 is true and correct.

17          (d) The application also shall state whether the applicant  
18 has an advance health-care directive. If the applicant has an  
19 advance health-care directive, the identification card shall  
20 bear the designation "AHCD".



1       ~~[(e) The examiner of drivers, in accordance with section~~  
2 ~~11 15, at the time of application, shall make available an~~  
3 ~~application for voter registration to every applicant for an~~  
4 ~~identification card who is eligible to register to vote.]~~

5       ~~[(f)]~~ (e) The examiner of drivers shall maintain a  
6 suitable, indexed record of all applications.

7       ~~[(g)]~~ (f) For the purpose of this section, "AHCD", which  
8 stands for "advance health-care directive", means an individual  
9 instruction in writing, a living will, or a durable power of  
10 attorney for health care decisions."

11       SECTION 9. Section 286-311, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13       "(a) ~~[All]~~ Except as provided in sections 286-A and 286-B,  
14 information and records acquired by the examiner of drivers  
15 under this part shall be confidential. All information and  
16 records shall be maintained in an appropriate form and in an  
17 appropriate office in the custody and under the control of the  
18 examiner. The information shall be available only to authorized  
19 individuals under such restrictions as the director shall  
20 prescribe. The examiner may dispose of any application or  
21 identification card, or information or record relating to the





1 application or identification card, which does not include a  
2 social security number, without regard to chapter 94, whenever,  
3 in the examiner's discretion, retention of the information or  
4 record is no longer required or practicable."

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

12 The sums appropriated shall be expended by the department  
13 of transportation for the purposes of this Act.

14 SECTION 11. In codifying the new sections added by  
15 sections 3 and 4 of this Act, the revisor of statutes shall  
16 substitute appropriate section numbers for the letters used in  
17 designating the new sections in this Act.

18 SECTION 12. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.



1 SECTION 13. This Act shall take effect on January 1, 2020;  
 2 provided that section 10 shall take effect on July 1, 2019.  
 3

INTRODUCED BY:

*[Signature]*

*Rida Cabonilla Arakawa*

*Michelle A. Pelletti*

*Samuel S. Kang*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*Amy Pardo*

*Brenda Koford*

*[Signature]*

*[Signature]*

*David Carnas*

*[Signature]*

*S. Eil*

*[Signature]*

*[Signature]*

*[Signature]*



H.B. NO. 1379

Carl Kishi

Jackie Bern

Mya A. Akh

Chen Todd

And Jett

Tim Wilson

Jirredchizone

JAN 24 2019



# H.B. NO. 1379

**Report Title:**

Automatic Voter Registration; Driver's License; Identification Card; Opt-out; Appropriations

**Description:**

Beginning on 1/1/2020, requires that any person who is eligible to vote and applies for a new or renewed motor vehicle driver's license, provisional license, instruction permit, limited purpose driver's license, limited purpose provisional driver's license, limited purpose instruction permit, or identification card 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.*

