
A BILL FOR AN ACT

RELATING TO VOTING.

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- Automatic registration. (a) An application for
5 voter registration, including an affidavit, shall be a part of
6 the application for issuance of an identification card under
7 section 286-301 and the application for issuance of a driver's
8 license under section 286-109. Each application for voter
9 registration shall include a space to request a change of name,
10 a change of address, and to vote by permanent absentee ballot.

11 (b) Applications for an identification card or driver's
12 license shall not be processed until the applicant completes the
13 portion of the application related to voter registration,
14 including change in name or address and option to request to
15 vote by permanent absentee ballot, or clearly indicates that the
16 applicant declines to register to vote. Unless an applicant
17 affirmatively declines to be registered to vote, the submission



1 of the application for the issuance of an identification card
2 under section 286-301 and the application for a driver's license
3 under section 286-109 shall be deemed to authorize the examiner
4 of drivers to collect and transmit the information necessary to
5 register the applicant as a voter, make changes to the
6 applicant's voter registration information, or request that the
7 applicant vote by permanent absentee ballot. The examiner of
8 drivers shall electronically transmit the necessary information
9 to the clerk of the county in which the applicant resides and
10 election officials and the statewide voter registration system
11 pursuant to subsection (d).

12 The examiner of drivers shall not transmit any information
13 necessary to register an applicant as a voter, change any voter
14 registration information, or request to vote by permanent
15 absentee ballot, if that applicant affirmatively declines to be
16 registered to vote. The examiner of drivers shall not
17 electronically transmit any information, if that applicant
18 affirmatively declines for the information to be transmitted.

19 (c) Upon receipt of the completed voter registration
20 application transmitted from the examiner of drivers, the clerk
21 shall review and either approve or reject the voter registration



1 application in accordance with this part; provided that approved
2 voter registration applications received from the examiner of
3 drivers pursuant to this section shall be treated as having a
4 valid signature for purposes of section 11-15(c) whether
5 transmitted electronically or by facsimile transmission. Upon
6 approval of the voter registration application, including a
7 request for change of voter registration information, the clerk
8 shall proceed to number the application and register the name of
9 the voter in the general county register as provided in section
10 11-14 or, as the case may be, make changes to the voter's
11 existing voter registration information or register the voter to
12 vote by permanent absentee ballot.

13 (d) Databases maintained or operated by the counties or
14 the department of transportation containing driver's license or
15 identification card information, including any documents or
16 images, shall be directly accessible and provided electronically
17 to election officials and the statewide voter registration
18 system to allow for the timely processing of voter applications,
19 ensure the integrity of the voter registration polls, and for
20 any other voter registration or election purposes, as determined
21 by the chief election officer."



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

4 "§286-A Voter registration. (a) A qualified applicant
5 for a new or renewed motor vehicle driver's license, provisional
6 license, or instruction permit shall automatically be registered
7 to vote with the clerk of the appropriate county upon completion
8 of the license or permit application and the affidavit and
9 application for voter registration as required in section 11-
10 unless the applicant affirmatively declines, on the application
11 form, to be registered to vote. The qualified applicant may
12 request on the same form that a change be made to the
13 applicant's name or address in the case of existing voter
14 registration information, and may also request to vote by
15 permanent absentee ballot.

16 (b) Unless an applicant affirmatively declines to be
17 registered to vote, the submission of the affidavit and
18 application for voter registration together with the license or
19 permit application shall be deemed to authorize the examiner of
20 drivers to collect and transmit the information necessary to
21 register the applicant as a voter, make changes to the



1 applicant's voter registration information, or register the
2 applicant to vote by permanent absentee ballot, and the examiner
3 of drivers shall electronically transmit the necessary
4 information to the clerk of the county in which the applicant
5 resides and election officials and the statewide voter
6 registration system pursuant to section 11- (d).

7 The examiner of drivers shall not transmit any information
8 necessary to register an applicant as a voter if that applicant
9 affirmatively declines to be registered to vote. The examiner
10 of drivers shall not electronically transmit any information, if
11 that applicant affirmatively declines for the information to be
12 transmitted.

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

16 SECTION 3. Chapter 286, Hawaii Revised Statutes, is
17 amended by adding a new section to part XVI to 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 and the affidavit and application for voter
3 registration as required by section 11- unless the applicant
4 affirmatively declines, on the application form, to be
5 registered to vote. The qualified applicant may request on the
6 same form that a change be made to the applicant's name or
7 address in the case of existing voter registration information,
8 and may also request to vote by permanent absentee ballot.

9 (b) Unless an applicant affirmatively declines to be
10 registered to vote, the submission of the affidavit and
11 application for voter registration together with the application
12 for the identification card shall be deemed to authorize the
13 examiner of drivers to collect and transmit the information
14 necessary to register the applicant as a voter, make changes to
15 the applicant's voter registration information, or register the
16 applicant to vote by permanent absentee ballot, and the examiner
17 of drivers shall electronically transmit the necessary
18 information to the clerk of the county in which the applicant
19 resides and election officials and the statewide voter
20 registration system pursuant to section 11- (d).



1 The examiner of drivers shall not transmit any information
2 necessary to register an applicant as a voter if that applicant
3 affirmatively declines to be registered to vote. The examiner
4 of drivers shall not electronically transmit any information, if
5 that applicant affirmatively declines for the information to be
6 transmitted.

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

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

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

16 (1) The applicant's eyesight and any further physical
17 examination that the examiner of drivers finds
18 necessary to determine the applicant's fitness to
19 operate a motor vehicle safely upon the highways;

20 (2) The applicant's ability to understand highway signs
21 regulating, warning, and directing traffic;



- 1 (3) The applicant's knowledge of the rules of the road
2 based on the traffic laws of the State and the traffic
3 ordinances of the county where the applicant resides
4 or intends to operate a motor vehicle; provided that
5 the examination shall specifically test the
6 applicant's knowledge of the provisions of section
7 291C-121.5 and section 291C-137; and
- 8 (4) The actual demonstration of ability to exercise
9 ordinary and reasonable control in the operation of a
10 motor vehicle.

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

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

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



1 ~~[At the time of examination, an application for veter~~
2 ~~registration by mail shall be made available to every applicant~~
3 ~~for a driver's license.]~~

4 For the purposes of this section, the term "applicant" does
5 not include any person reactivating a license under section
6 286-107.5(a)."

7 SECTION 5. 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 person's full legal name, date of birth, gender
17 designation, residence address, and license number;
- 18 (2) The category or categories of motor vehicles the
19 applicant may operate;
- 20 (3) Any restrictive provisions to which the license is
21 subject;



1 (4) Veteran status, if desired by the applicant; provided
2 that the notation shall be on the front of the license
3 and shall not include any designation other than the
4 term "veteran"; and

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

11 As used in this subsection:

12 "Gender designation" includes the options of F, M, or X.

13 "Veteran" means any person who served in any of the
14 uniformed services of the United States, including veterans of
15 the Korean conflict and persons who served in the armed forces
16 of the Republic of Korea, who fought under the command of the
17 United Nations led by the United States, during the Korean
18 conflict and are currently United States citizens, and was
19 discharged under conditions other than dishonorable.



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

4 (c) Statutes of limitations and other provisions of this
5 chapter notwithstanding, no driver's license or instruction
6 permit shall be issued or renewed under this section, where the
7 examiner of drivers is notified by the district judge, traffic
8 violations bureaus of the district courts, or the judge of the
9 circuit court that the applicant has failed to respond to a
10 traffic citation or summons, or failed to appear in court after
11 an arrest for the violation of any traffic laws of a county,
12 this chapter or chapter 286G, 287, 290, 291, or 291C, or of any
13 motor vehicle insurance laws under article 10C of chapter 431,
14 or of any motorcycle or motor scooter insurance laws under
15 article 10G of chapter 431, and the same remains delinquent and
16 outstanding, or the applicant, has as of the time of the
17 application, failed to comply in full with all orders of the
18 court; provided that the district court with whose order an
19 applicant has failed to comply in full, may approve the issuance
20 or renewal of a driver's license or instruction permit other
21 than a commercial driver's license upon conditions imposed by



1 the court for the satisfaction of the outstanding court order
2 and any other conditions as may be imposed by the court, if one
3 or more of the following conditions are met:

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

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

15 A driver's license or instruction permit issued or renewed
16 under this subsection shall be subject to immediate suspension
17 by the court upon the applicant's failure to remain in full
18 compliance with all conditions imposed by the court for the
19 issuance or renewal of the driver's license or instruction
20 permit. The examiner of drivers may place an indication of
21 restriction upon a driver's license or instruction permit issued



1 or renewed under this subsection. Proof of financial
2 responsibility under section 287-20 shall not apply to the
3 issuance or renewal of driver's licenses or instruction permits
4 under this subsection.

5 (d) An application for a driver's license shall include
6 the affidavit and voter registration application required under
7 section 11- ."

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

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

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

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



1 (d) The issuance of an identification card pursuant to
2 this section shall not place upon the State of Hawaii or any
3 agency any liability for the misuse or the acceptance of the
4 identification card as valid identification, which shall be left
5 entirely to the discretion of any individual to whom such card
6 is presented.

7 (e) An application for an identification card from the
8 examiner of drivers shall include the affidavit and voter
9 registration application required under section 11- ."

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

12 "(a) All information and records acquired by the examiner
13 of drivers under this part shall be confidential[-]; provided
14 that the examiner may transmit voter registration information as
15 required under sections 286-A, 286-B, 286-109, and 286-301. All
16 information and records shall be maintained in an appropriate
17 form and in an appropriate office in the custody and under the
18 control of the examiner. The information shall be available
19 only to authorized individuals under such restrictions as the
20 director shall prescribe. The examiner may dispose of any
21 application or identification card, or information or record



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

5 SECTION 8. The examiner of drivers in each county shall
6 cooperate with the office of elections to develop such forms,
7 applications, and affidavits necessary to effect the purposes of
8 this Act.

9 SECTION 9. In codifying the new sections added by sections
10 2 and 3 of this Act, the revisor of statutes shall substitute
11 appropriate section numbers for the letters used in designating
12 the new sections in this Act.

13 SECTION 10. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 11. This Act shall take effect on July 1, 2050.



Report Title:

Automatic Voter Registration; Driver's License; Provisional License; Instruction Permit; Identification Card; Affirmative Opt-out

Description:

Requires that any person who is eligible to vote and applies for a new or renewal motor vehicle driver's license, provisional license, or instruction permit, or a new, renewal, or duplicate identification card be automatically registered to vote if that person is not already registered to vote unless the applicant affirmatively declines to be registered to vote. Allows an applicant to affirmatively decline to have any of the applicant's information electronically transmitted. Authorizes access to and electronic transmission of databases maintained or operated by the counties or the department of transportation containing driver's license or identification card information to election officials and the statewide voter registration system. Effective 7/1/2050. (HD1)

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