
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 and a change of address.

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, which
14 shall include a space to request a change of name and a change
15 of address; provided that if the applicant does not wish to
16 register to vote, the applicant shall affirmatively decline on
17 the application. Unless an applicant affirmatively declines to



1 be registered to vote, the submission of the application for the
2 issuance of an identification card under section 286-301 and the
3 application for a driver's license under section 286-109 shall
4 be deemed to authorize the examiner of drivers to collect and
5 transmit the information necessary to register the applicant as
6 a voter and make changes to the applicant's voter registration
7 information. The examiner of drivers shall electronically
8 transmit the necessary information to the clerk of the county in
9 which the applicant resides and election officials and the
10 statewide voter registration system pursuant to subsection (d).
11 The examiner of drivers shall not transmit any information
12 necessary to register an applicant as a voter or change any
13 voter registration information if that applicant affirmatively
14 declines to be registered to vote.

15 (c) Upon receipt of the completed voter registration
16 application transmitted from the examiner of drivers, the clerk
17 shall review and either approve or reject the voter registration
18 application in accordance with this part; provided that approved
19 voter registration applications received from the examiner of
20 drivers pursuant to this section shall be treated as having a
21 valid signature for purposes of section 11-15(c) whether



1 transmitted electronically or by facsimile transmission. Upon
2 approval of the voter registration application, including a
3 request for change of voter registration information, the clerk
4 shall proceed to number the application and register the name of
5 the voter in the general county register as provided in section
6 11-14 or make changes to the voter's existing voter registration
7 information.

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

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:

20 "§286-A Voter registration. (a) A qualified applicant
21 for a new or renewed motor vehicle driver's license, provisional



1 license, or instruction permit shall automatically be registered
2 to vote with the clerk of the appropriate county upon completion
3 of the license or permit application and the affidavit and
4 application for voter registration as required in section 11-
5 unless the applicant affirmatively declines on the application
6 form to be registered to vote. The qualified applicant may
7 request on the same form that a change be made to the
8 applicant's name or address in the case of existing voter
9 registration information.

10 (b) Unless an applicant affirmatively declines to be
11 registered to vote, the submission of the affidavit and
12 application for voter registration together with the license or
13 permit application shall be deemed to authorize the examiner of
14 drivers to collect and transmit the information necessary to
15 register the applicant as a voter or make changes to the
16 applicant's voter registration information, and the examiner of
17 drivers shall electronically transmit the necessary information
18 to the clerk of the county in which the applicant resides and
19 election officials and the statewide voter registration system
20 pursuant to section 11- (d). The examiner of drivers shall not
21 transmit any information necessary to register an applicant as a



1 voter if that applicant affirmatively declines to be registered
2 to vote.

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

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

9 "§286-B Voter registration. (a) A qualified applicant
10 for a new, renewal, or duplicate identification card shall
11 automatically be registered to vote with the clerk of the
12 appropriate county upon completion of an application for
13 identification card and the affidavit and application for voter
14 registration as required by section 11- unless the applicant
15 affirmatively declines on the application form to be registered
16 to vote. The qualified applicant may request on the same form
17 that a change be made to the applicant's name or address in the
18 case of existing voter registration information.

19 (b) Unless an applicant affirmatively declines to be
20 registered to vote, the submission of the affidavit and
21 application for voter registration together with the application



1 for the identification card shall be deemed to authorize the
2 examiner of drivers to collect and transmit the information
3 necessary to register the applicant as a voter or make changes
4 to the applicant's voter registration information, and the
5 examiner of drivers shall electronically transmit the necessary
6 information to the clerk of the county in which the applicant
7 resides and election officials and the statewide voter
8 registration system pursuant to section 11- (d). The examiner
9 of drivers shall not transmit any information necessary to
10 register an applicant as a voter if that applicant affirmatively
11 declines to be registered to vote.

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

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

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



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

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

20 The examiner of drivers shall require every applicant to
21 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 286-109, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§286-109 General provision governing the issuance of**
16 **licenses.** (a) Upon payment of the required fee and upon
17 demonstrating the ability to operate a certain category or
18 categories of motor vehicles to the satisfaction of the examiner
19 of drivers, an applicant for a driver's license shall be issued
20 a single license of a design approved by the director of
21 transportation upon which is made a notation of:



- 1 (1) The person's full legal name, date of birth, gender
2 designation, residence address, and license number;
- 3 (2) The category or categories of motor vehicles the
4 applicant may operate;
- 5 (3) Any restrictive provisions to which the license is
6 subject;
- 7 (4) Veteran status, if desired by the applicant; provided
8 that the notation shall be on the front of the license
9 and shall not include any designation other than the
10 term "veteran"; and
- 11 (5) When the license is issued to a person under twenty-
12 one years of age, a statement, in clearly legible
13 print that shall contrast with the other information
14 appearing on the license, which indicates the date on
15 which the person will attain the age of twenty-one
16 years.

17 As used in this subsection:

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

19 "Veteran" means any person who served in any of the
20 uniformed services of the United States, including veterans of
21 the Korean conflict and persons who served in the armed forces



1 of the Republic of Korea, who fought under the command of the
2 United Nations led by the United States, during the Korean
3 conflict and are currently United States citizens, and was
4 discharged under conditions other than dishonorable.

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

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



1 court; provided that the district court with whose order an
2 applicant has failed to comply in full, may approve the issuance
3 or renewal of a driver's license or instruction permit other
4 than a commercial driver's license upon conditions imposed by
5 the court for the satisfaction of the outstanding court order
6 and any other conditions as may be imposed by the court, if one
7 or more of the following conditions are met:

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

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

13 provided further that if the applicant has failed to comply in
14 full with orders of the district court of more than one circuit,
15 the applicant shall obtain the approval of the district court of
16 each circuit in which the applicant has an outstanding court
17 order before a driver's license or instruction permit may be
18 issued or renewed under this subsection.

19 A driver's license or instruction permit issued or renewed
20 under this subsection shall be subject to immediate suspension
21 by the court upon the applicant's failure to remain in full



1 compliance with all conditions imposed by the court for the
2 issuance or renewal of the driver's license or instruction
3 permit. The examiner of drivers may place an indication of
4 restriction upon a driver's license or instruction permit issued
5 or renewed under this subsection. Proof of financial
6 responsibility under section 287-20 shall not apply to the
7 issuance or renewal of driver's licenses or instruction permits
8 under this subsection.

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

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

14 "[+]§286-301[+] Issuance of identification card or
15 temporary card. (a) To obtain an identification card from the
16 examiner of drivers, an individual shall complete an application
17 pursuant to section 286-303.

18 (b) The examiner of drivers, upon receipt of the
19 application by any individual who is a resident or a temporary
20 resident of this State, shall issue an identification card to



1 that individual upon receipt of any appropriate fee established
2 pursuant to section 286-309.

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

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

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

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

17 "(a) All information and records acquired by the examiner
18 of drivers under this part shall be confidential[-]; provided
19 that the examiner may transmit voter registration information as
20 required under sections 286-A, 286-B, 286-109, and 286-301. All
21 information and records shall be maintained in an appropriate



1 form and in an appropriate office in the custody and under the
2 control of the examiner. The information shall be available
3 only to authorized individuals under such restrictions as the
4 director shall prescribe. The examiner may dispose of any
5 application or identification card, or information or record
6 relating to the application or identification card, which does
7 not include a social security number, without regard to chapter
8 94, whenever, in the examiner's discretion, retention of the
9 information or record is no longer required or practicable."

10 SECTION 8. The examiner of drivers in each county shall
11 cooperate with the office of elections to develop such forms,
12 applications, and affidavits necessary to effectuate the
13 purposes of this Act.

14 SECTION 9. In codifying the new sections added by sections
15 2 and 3 of this Act, the revisor of statutes shall substitute
16 appropriate section numbers for the letters used in designating
17 the new sections in this Act.

18 SECTION 10. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 11. This Act shall take effect on January 1, 2021.



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. 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 1/1/2021. (SD1)

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

