
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 "~~S11-~~ Automatic registration. (a) An application for
5 voter registration, including an affidavit, shall be a part of
6 the application for issuance of a driver's license, provisional
7 license, or instruction permit under section 286-111 and the
8 application for issuance of an identification card under
9 section 286-303. Each application for voter registration shall
10 include a space to request a change of name or address.

11 (b) Applications for a driver's license, provisional
12 license, instruction permit, or identification card shall not be
13 processed until the applicant completes the portion of the
14 application related to voter registration, including change of
15 name or address, or clearly indicates that the applicant
16 declines to be registered to vote or to update an existing
17 record. Unless an applicant affirmatively declines to be



1 registered to vote or to update an existing record, the
2 submission of the application for a driver's license,
3 provisional license, or instruction permit under section 286-111
4 and the application for an identification card under
5 section 286-303 shall be deemed to authorize the examiner of
6 drivers to collect and transmit the information necessary to
7 register the applicant as a voter or to make changes to the
8 applicant's voter registration information.

9 The examiner of drivers shall:

10 (1) Include an opportunity for the applicant to elect to
11 participate in the address confidentiality program
12 pursuant to chapter 801G;

13 (2) Electronically transmit the necessary information,
14 including any election to participate in the address
15 confidentiality program, to the clerk of the county in
16 which the applicant resides, election officials, and
17 the online voter registration system pursuant to
18 subsection (d);

19 (3) Not transmit any information necessary to register an
20 applicant as a voter or change any voter registration
21 information if the applicant affirmatively declined to



1 be registered to vote or to update an existing record;

2 and

3 (4) Not transmit any information relating to an applicant
4 pursuant to this section if the applicant presents, as
5 part of the application for a driver's license,
6 provisional license, instruction permit, or
7 identification card, a document that demonstrates lack
8 of United States citizenship. Any applicant for
9 issuance or renewal of a driver's license, provisional
10 license, instruction permit, or identification card
11 who provides as identification a document that neither
12 demonstrates United States citizenship nor a lack
13 thereof shall be presented with an affidavit offering
14 the applicant the opportunity to affirm United States
15 citizenship, and the examiner of drivers shall not
16 transmit any information relating to the applicant
17 pursuant to this section without the completed
18 affidavit.

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 change of voter registration information, the clerk shall
8 proceed to number the application and register the name of the
9 voter in the general county register as provided in section
10 11-14, or make changes to the voter's existing voter
11 registration information, as applicable.

12 (d) Databases maintained or operated by the counties or
13 the department of transportation containing driver's license,
14 provisional license, instruction permit, or identification card
15 information, including any documents or images, shall be
16 provided electronically to election officials and the online
17 voter registration system to allow for the timely processing of
18 voter applications, ensure the integrity of the voter
19 registration polls, and for any other government purpose, as
20 determined by the director of transportation.



1 (e) Unless a person who is ineligible to register to vote
2 intentionally took voluntary action to register to vote while
3 knowing that the person was not eligible to register, the
4 transfer of the person's electronic record to a county clerk
5 under this section does not constitute the completion of a voter
6 registration form by a person who is ineligible to register to
7 vote, and the person shall not be considered to have registered
8 to vote or have made a false claim of United States citizenship.
9 If the registration is processed by the clerk of the county in
10 which the person resides, the registration shall be presumed to
11 have been officially authorized by the State and the person
12 shall not be subject to any penalty under the Hawaii Revised
13 Statutes.

14 (f) If a person who is ineligible to vote becomes
15 registered to vote pursuant to this section, or votes or
16 attempts to vote in an election held after the effective date of
17 the person's registration, the person shall not be guilty of
18 voter fraud under section 19-3.5, unless the person
19 intentionally took voluntary action to register to vote while
20 knowing that the person was not eligible to register, or



1 intentionally took voluntary action to vote while knowing that
2 the person was not eligible to vote."

3 SECTION 2. Chapter 286, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By adding a new section to part VI to be appropriately
6 designated and to read:

7 **"§286-A Voter registration.** (a) A qualified applicant
8 for a new or renewed motor vehicle driver's license, provisional
9 license, or instruction permit shall automatically be registered
10 to vote with the clerk of the appropriate county upon completion
11 of the license or permit application, unless the applicant
12 affirmatively declines on the application form to be registered
13 to vote. The application shall also update the applicant's name
14 or address in the case of existing voter registration
15 information, unless the applicant declines to do so.

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



1 as a voter or to make changes to the applicant's voter
2 registration information, including the applicant's election to
3 participate in the address confidentiality program pursuant to
4 chapter 801G.

5 The examiner of drivers shall:

6 (1) Electronically transmit the necessary information to
7 the clerk of the county in which the applicant
8 resides, election officials, and the statewide voter
9 registration system pursuant to section 11- (d);

10 (2) Not transmit any information necessary to register an
11 applicant as a voter if the applicant affirmatively
12 declined to be registered to vote or to update an
13 existing record; and

14 (3) Not transmit any information relating to an applicant
15 pursuant to this section if the applicant presents, as
16 part of the license or permit application, a document
17 that demonstrates lack of United States citizenship.
18 Any applicant for issuance or renewal of a driver's
19 license, provisional license, or instruction permit
20 who provides as identification a document that neither
21 demonstrates United States citizenship nor a lack



1 thereof shall be presented with an affidavit offering
2 the applicant the opportunity to affirm United States
3 citizenship, and the examiner of drivers shall not
4 transmit any information relating to the applicant
5 pursuant to this section without the completed
6 affidavit.

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

10 2. By adding a new section to part XVI to be appropriately
11 designated and to read:

12 **"§286-B Voter registration.** (a) A qualified applicant
13 for a new, renewed, or duplicate identification card shall
14 automatically be registered to vote with the clerk of the
15 appropriate county upon completion of the identification card
16 application, unless the applicant affirmatively declines on the
17 application form to be registered to vote. The application
18 shall also update the applicant's name or address in the case of
19 existing voter registration information, unless the applicant
20 declines to do so.



1 (b) Unless an applicant affirmatively declines to be
2 registered to vote or to update an existing record, the
3 submission of the affidavit and application for voter
4 registration, together with the identification card application,
5 shall be deemed to authorize the examiner of drivers to collect
6 and transmit the information necessary to register the applicant
7 as a voter or make changes to the applicant's voter registration
8 information, including the applicant's election to participate
9 in the address confidentiality program pursuant to chapter 801G.

10 The examiner of drivers shall:

11 (1) Electronically transmit the necessary information to
12 the clerk of the county in which the applicant
13 resides, election officials, and the online voter
14 registration system pursuant to section 11- (d);

15 (2) Not transmit any information necessary to register an
16 applicant as a voter if the applicant affirmatively
17 declined to be registered to vote or to update an
18 existing record; and

19 (3) Not transmit any information relating to an applicant
20 pursuant to this section if the applicant presents, as
21 part of the identification card application, a



1 document that demonstrates lack of United States
2 citizenship. Any applicant for issuance or renewal of
3 an identification card who provides as identification
4 a document that neither demonstrates United States
5 citizenship nor a lack thereof shall be presented with
6 an affidavit offering the applicant the opportunity to
7 affirm United States citizenship, and the examiner of
8 drivers shall not transmit any information relating to
9 the applicant pursuant to this section without the
10 completed affidavit.

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

14 SECTION 3. Section 286-108, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

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

20 (1) The applicant's eyesight and any further physical
21 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
11 section 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.

20 The examiner of drivers may waive the actual demonstration
21 of ability to operate a motorcycle or motor scooter for any



1 person who furnishes evidence, to the satisfaction of the
2 examiner of drivers, that the person has completed the
3 motorcycle education course approved by the director in
4 accordance with section 431:10G-104.

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

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

11 SECTION 4. Section 286-111, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§286-111 Application for license, provisional license,**
14 **instruction permit, limited purpose driver's license, limited**
15 **purpose provisional driver's license, or limited purpose**
16 **instruction permit; fees.** (a) Every application for an
17 instruction permit, provisional license, driver's license,
18 limited purpose driver's license, limited purpose provisional
19 driver's license, or limited purpose instruction permit shall be
20 made upon a form furnished by the examiner of drivers and shall
21 be verified by the applicant before a person authorized to



1 administer oaths. The examiner of drivers and officers serving
2 under the examiner may administer the oaths without charge.
3 Each application for an instruction permit for a category (1),
4 (2), (3), or (4) license shall be accompanied by a fee to be
5 determined by the council of each county, and each application
6 for a provisional license or driver's license shall be
7 accompanied by the fee, unless the applicant has already paid
8 the fee upon application for an instruction permit in the same
9 county, in which event no fee shall be charged. An additional
10 fee to be determined by the council of each county shall be
11 charged and collected upon the issuance of a provisional license
12 or driver's license. All of the foregoing fees shall become
13 county realizations.

14 (b) The director shall establish by rule a standard fee
15 for all driver's license applicants who require verification
16 through the federal system that their presence in the United
17 States is authorized by federal law. The fees collected shall
18 become state realizations and be deposited into the state
19 highway fund. The State shall reimburse the counties all costs
20 of verification through the federal system. The amount of



1 reimbursement shall be determined by the director of
2 transportation.

3 (c) The director of transportation shall establish a fee
4 schedule for all commercial driver's licensing examinations.
5 The fees collected for a commercial driver's license shall
6 become state realizations and shall be deposited in the state
7 highway fund. The State shall reimburse the counties all costs
8 for administering the commercial driver's licensing program.
9 The amount of reimbursement shall be determined by the director
10 of transportation.

11 (d) Every application shall state the full name, date of
12 birth, gender designation, occupation, veteran status if
13 applicable (including veterans of the Korean conflict and
14 persons who served in the armed forces of the Republic of Korea,
15 who fought under the command of the United Nations led by the
16 United States, during the Korean conflict and are currently
17 United States citizens) and desired by the applicant, social
18 security number if the applicant is eligible for a social
19 security number, the residence address, and business address, if
20 any, of the applicant, shall briefly describe the applicant, and
21 shall state whether the applicant has theretofore been licensed



1 as a driver, and, if so, when and in what state or country, and
2 whether any such license has ever been suspended or revoked, or
3 whether an application has ever been refused, and if so, the
4 date of and reason for the suspension, revocation, or refusal.

5 The examiner of drivers shall not require documentation for
6 an applicant's selection of gender designation or an applicant's
7 request for an amendment to a gender designation other than the
8 applicant's self-certification of their chosen gender
9 designation; provided that the examiner of drivers shall not be
10 prohibited from requiring documentation that may incidentally
11 show an applicant's birth sex category if [~~such~~] the
12 documentation is necessary to establish that the applicant is
13 legally entitled to a license.

14 For [{}purposes{}] of this subsection, "gender designation"
15 shall have the same meaning as in section 286-109(a).

16 (e) Except as provided in section 286-104.5, if the
17 applicant is not eligible to receive a social security number,
18 the applicant shall submit, in lieu of providing proof of social
19 security number pursuant to subsection (d):



(1) A United States Social Security Administration letter stating that the applicant is ineligible to obtain a social security number; and

(2) Either:

(A) A government-issued photo identification document; or

(B) Other identification documents as deemed acceptable by the director.

(f) An application for a driver's license, provisional license, or instruction permit shall include the affidavit and voter registration application required under section 11- ."

SECTION 5. Section 286-303, Hawaii Revised Statutes, is amended to read as follows:

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

Application for the identification card shall be made in person by any adult or minor. In the case of a minor under the age of fourteen years, the application shall be made on the minor's behalf by the parent, or by another individual in loco parentis of the minor who can provide proof of guardianship. In the case of an incompetent individual, the application shall be made by the individual having the custody or control of or maintaining



1 the incompetent individual. A non-compliant identification card
2 shall be issued in accordance with section 286-301.5 for
3 applications not made in person.

4 (b) Application for renewal of an identification card
5 issued after November 1, 1998, for an individual eighty years of
6 age or older may be done by mailing in or electronically
7 submitting a completed application and fee, if there is no
8 change in name and citizenship status. The director shall adopt
9 rules to allow for renewal by mail or electronic methods for
10 individuals with physical or intellectual disabilities for whom
11 application in person presents a serious burden. For an
12 individual who has a letter from a licensed primary care
13 provider certifying that a severe disability causes the
14 individual to be homebound, the director shall adopt rules
15 allowing for application for renewal of an identification card
16 under this section by means other than in-person appearance. A
17 non-compliant identification card shall be issued in accordance
18 with section 286-301.5 for renewal applications not made in
19 person.

20 (c) Every application for an identification card or
21 duplicate of an identification card shall be made on a form



1 developed by the director and furnished by the examiner of
2 drivers, signed by the applicant, and signed by the applicant's
3 parent or guardian if the applicant is under eighteen years of
4 age. The application shall contain the following information:

5 (1) Name and complete address, including the number and
6 street name, of the applicant's permanent residence;

7 (2) The applicant's occupation and any pertinent data
8 relating thereto;

9 (3) The applicant's citizenship status;

10 (4) The applicant's veteran status if applicable and
11 desired by the applicant;

12 (5) The applicant's date and place of birth;

13 (6) General description of the applicant, including the
14 applicant's gender designation, height, weight, hair
15 color, and eye color;

16 (7) The applicant's left and right index fingerprints or,
17 if clear impressions cannot be obtained, other
18 identifying imprints as specified by rules of the
19 director;

20 (8) The social security number of the applicant; and



(9) A digitized frontal photograph of the applicant's full face.

Each applicant shall present documentary evidence as required by the examiner of drivers of the applicant's age and identity, and the applicant shall swear or affirm that all information given is true and correct; provided that an applicant shall not be required to provide documentation to prove the applicant's gender designation other than the applicant's self-certification of their chosen gender designation; provided further that documentation that may incidentally show an applicant's birth gender may be required if necessary to establish that the applicant is legally entitled to an identification card.

For purposes of this subsection, "gender designation" shall have the same meaning as in section 286-109(a).

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

~~(e) [The examiner of drivers, in accordance with section 11-15, at the time of application, shall make available an application for voter registration to every applicant for an~~



1 ~~identification card who is eligible to register to vote.] An~~
2 application for an identification card from the examiner of
3 drivers shall include the affidavit and voter registration
4 application required under section 11- .

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

7 (g) For the purpose of this section, "AHCD", which stands
8 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 6. Section 286-311, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) All information and records acquired by the examiner
14 of drivers under this part shall be confidential~~[+]~~; provided
15 that the examiner may transmit voter registration information as
16 required under sections 11- , 286-A, 286-B, 286-111, and
17 286-303. All information and records shall be maintained in an
18 appropriate form and in an appropriate office in the custody and
19 under the control of the examiner. The information shall be
20 available only to authorized individuals under ~~[such]~~
21 restrictions as the director shall prescribe. The examiner may



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

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

11 SECTION 8. In codifying the new sections added by
12 section 2 of this Act, the revisor of statutes shall substitute
13 appropriate section numbers for the letters used in designating
14 the new sections in this Act.

15 SECTION 9. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 10. This Act shall take effect on January 1, 2022.



Report Title:

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

Description:

Makes an application for voter registration, including an affidavit, part of all driver's license, provisional license, instruction permit, and state identification card applications. Automatically registers each applicant who elects to be registered to vote, unless the applicant affirmatively declines to be registered to vote. Requires sharing of information among the counties, department of transportation, and election personnel. Effective 1/1/2022. (HD1)

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