
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 every eligible
2 person should be able to register to vote in a convenient and
3 secure way that is beneficial to new voters and administrators
4 alike. Key voter registration improvements can ensure state
5 election systems are secure and efficient, safeguard votes, and
6 save money.

7 The legislature further finds that in 2021, Hawaii
8 established automatic voter registration to increase the State's
9 historically low voter participation rates. Yet, the automatic
10 voter registration system established by the legislature was an
11 opt-in system that places the responsibility for registration on
12 the part of individual voters, which fails to fully include the
13 total potential population of new voters.

14 Accordingly, the purpose of this Act is to improve Hawaii's
15 voter participation rate by strengthening the State's automatic
16 voter registration program.



1 SECTION 2. Section 11-15.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§11-15.5[+] **Duties of all state agencies; voter**

4 **registration.** (a) Each state agency that deals with the public
5 shall make available to each member of the public eighteen years
6 of age or older an application in the form of an affidavit for
7 voter registration pursuant to section 11-15. The application
8 shall be available by mail, online, or in person depending on
9 the manner in which the agency's services are requested by the
10 person. The form of the application may be identical to that
11 described and found in public telephone directories.

12 (b) Subject to compliance with applicable federal laws and
13 regulations, the department of human services shall
14 automatically transmit voter registration information for any
15 Med-QUEST applicant who is of sufficient age to register to
16 vote, has provided a Hawaii residence address, and has been
17 verified as a United States citizen as part of an application to
18 the Med-QUEST division. For each eligible Med-QUEST applicant,
19 the department of human services shall electronically transmit
20 the information set forth in section 11-15.7(b) to the clerk of
21 the county in which the applicant resides. The office of



1 elections and clerks shall process the information according to
2 the requirements established in section 11-15.7, to the extent
3 applicable as determined by the office of elections.

4 (c) Any state agency may be designated by the office of
5 elections to implement automatic voter registration if the
6 agency collects, processes, or stores the following information
7 as part of providing assistance or services: name, residential
8 address, date of birth, and proof of United States citizenship
9 or external verification of United States citizenship. An
10 eligible agency may establish and implement, upon approval from
11 the office of elections, a procedure to automatically and
12 electronically transmit a person's voter registration
13 information to the clerk of the county in which the person
14 resides. Every eligible agency shall comply with the
15 requirements in section 11-15.7, to the extent applicable as
16 determined by the office of elections."

17 SECTION 3. Section 11-15.7, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "~~{}~~§11-15.7~~{}~~ **Automatic registration~~[-]~~ and**
20 **preregistration.** (a) ~~[An application for voter registration~~
21 ~~shall be a part of the application for issuance of an~~



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1 ~~identification card under section 286-303 and the application~~
2 ~~for issuance of a driver's license under section 286-111.~~
3 ~~Applications for an identification card or driver's license~~
4 ~~shall not be processed until the applicant completes the portion~~
5 ~~of the application related to voter registration and indicates~~
6 ~~the applicant's choice of whether to register to vote. If~~
7 ~~already registered to vote, the applicant shall be offered the~~
8 ~~opportunity to decline any changes being made to their name and~~
9 ~~address for voter registration purposes.]~~

10 The submission of the application for the issuance of [an
11 ~~identification]~~ a new, renewed, or duplicate:

- 12 (1) Instruction permit under section 286-110, 286-111, or
13 286-117;
14 (2) Provisional license under section 286-111 or 286-117;
15 (3) Driver's license under section 286-107, 286-111, or
16 286-117; or
17 (4) Identification card under section 286-303 [or the
18 application for a driver's license under section 286-
19 111],

20 shall be deemed to authorize the examiner of drivers to collect
21 and transmit the information necessary to register or



1 preregister, pursuant to section 11-12(b), the applicant as a
2 voter if the applicant [made such a choice or to make changes to
3 the applicant's voter registration information unless the
4 applicant declined such changes.] is of sufficient age to
5 register or preregister to vote, has provided a Hawaii residence
6 address, and has presented documentation demonstrating United
7 States citizenship.

8 (b) The examiner of drivers shall electronically transmit
9 the [necessary] following information to the clerk of the county
10 in which the applicant resides[, election officials, and the
11 online voter registration system pursuant to subsection (c).

12 ~~The examiner of drivers shall not transmit any information~~
13 ~~necessary to register an applicant as a voter if the applicant~~
14 ~~made a choice not to be registered to vote nor transmit any~~
15 ~~information necessary to make changes to the applicant's voter~~
16 ~~registration information if the applicant declined such~~
17 ~~changes.]:~~

- 18 (1) The applicant's name;
19 (2) The applicant's date of birth;



- 1 (3) The instruction permit, provisional license, driver's
2 license, or state identification number of the
3 applicant;
- 4 (4) The applicant's residence address and mailing address,
5 if different from the residence address;
- 6 (5) The applicant's county of residence;
- 7 (6) The applicant's citizenship status;
- 8 (7) The applicant's signature as a digitized image;
- 9 (8) The last four digits of the applicant's social
10 security number, if available;
- 11 (9) The applicant's telephone number, if available; and
- 12 (10) The applicant's electronic mail address, if available.
- 13 (c) The examiner of drivers shall not transmit any
14 information [~~related to a voter application or changes to the~~
15 applicant's voter registration information if] under this
16 section unless the applicant presents a document demonstrating
17 [~~a lack~~] proof of United States citizenship[-] or records
18 maintained by the examiner of drivers conclusively indicate that
19 the applicant provided documentation demonstrating United States
20 citizenship as part of a previous transaction. If the applicant
21 provides documentation during the transaction indicating that



1 the applicant is not a United States citizen, the applicant's
2 information shall not be transmitted to the clerk and the
3 applicant shall not be offered a voter registration or
4 preregistration opportunity. If the documents provided by the
5 applicant do not provide sufficient information to verify
6 citizenship status, or if the examiner of drivers is unable to
7 verify that proof of citizenship was presented during a previous
8 transaction, the examiner of drivers shall provide information
9 during the transaction regarding voter registration or
10 preregistration and eligibility criteria, including instructions
11 that the applicant may only register or preregister to vote if
12 the applicant is a United States citizen.

13 ~~[(b)]~~ (d) Upon receipt of the ~~[completed voter~~
14 ~~registration application or changes to the]~~ applicant's voter
15 registration or preregistration information transmitted from the
16 examiner of drivers, the clerk shall review and ~~[either approve~~
17 ~~or reject the voter registration application in accordance with~~
18 ~~this part; provided that approved]~~ determine whether the
19 applicant is currently registered or preregistered in the online
20 voter registration system. If the applicant is not currently
21 registered or preregistered in the online voter registration



1 system, the clerk shall mail a notice to the applicant pursuant
2 to subsection (e). If the applicant is currently registered or
3 preregistered in the online voter registration system, the clerk
4 shall compare the information transmitted from the examiner of
5 drivers to the applicant's voter registration or preregistration
6 information. If the information transmitted from the examiner
7 of drivers differs from the applicant's voter registration or
8 preregistration information, the clerk shall mail a notice to
9 the applicant pursuant to subsection (e). Approved voter
10 registration applications received from the examiner of drivers
11 pursuant to this section shall be treated as having a valid
12 signature for purposes of section 11-15(c), whether transmitted
13 electronically or by facsimile transmission. [~~Upon the clerk's~~
14 ~~approval of the voter registration application or any changes to~~
15 ~~the voter registration information,] Voter registration or
16 preregistration records created under this section shall be
17 exempt from disclosure for twenty-one days after the mailing of
18 the notice under subsection (e).~~

19 (e) Upon determining that an applicant is not currently
20 registered or preregistered in the online voter registration
21 system or an applicant's voter registration or preregistration



1 information differs from the information transmitted from the
2 examiner of drivers under this section, the clerk shall promptly
3 mail the applicant a notice that contains a postage prepaid,
4 pre-addressed return form by which the applicant may decline to
5 be registered or preregistered to vote or have the applicant's
6 voter registration or preregistration information updated. The
7 notice shall also include instructions for applicants who
8 request confidentiality under section 11-14.5 or request large
9 print ballots.

10 (f) If an applicant returns the form declining to be
11 registered or preregistered to vote, the applicant's voter
12 registration or preregistration shall be canceled, and the
13 applicant shall be deemed to have never registered or
14 preregistered to vote; provided that if the applicant votes in
15 an election after the transfer of the applicant's voter
16 registration information but before the form declining to be
17 registered to vote is returned, the returned form shall be of no
18 force and effect and the applicant shall be deemed registered to
19 vote as of the date of the applicant's qualifying transaction
20 with the examiner of drivers. If an applicant returns the form
21 declining to have the applicant's voter registration or



1 preregistration information updated, the applicant's voter
2 registration or preregistration information shall not be
3 updated.

4 If the applicant does not decline voter registration or
5 preregistration or to have the applicant's voter registration or
6 preregistration information updated within the period prescribed
7 by the office of elections, the clerk shall proceed to number
8 the application and register the name of the [voter] applicant
9 in the general county register as provided in section 11-14,
10 preregister the applicant as provided in section 11-12, or [make
11 approved changes to] update the [voter's] applicant's existing
12 voter registration or preregistration information as applicable.
13 The date of registration or preregistration shall be the date of
14 the applicant's qualifying transaction with the examiner of
15 drivers.

16 [~~e~~] (g) Databases maintained or operated by the counties
17 or [~~the~~] department of transportation containing instruction
18 permit, provisional license, driver's license, or identification
19 card information, including any documents or images, shall be
20 accessible and provided electronically to election officials and
21 the online voter registration system to allow for the timely



1 processing of voter applications, ensure the integrity of the
2 voter registration polls, and for any other voter registration,
3 preregistration, or election purposes, as determined by the
4 director of transportation.

5 (h) Any applicant who submits a qualifying application
6 under this section that is dated during the twenty-one days
7 before an election shall be provided, at the time of
8 application, with a notice advising the applicant of the
9 procedures to register to vote on election day.

10 (i) An otherwise eligible applicant who declines to
11 register or preregister to vote or update the applicant's voter
12 registration or preregistration information shall be offered a
13 new opportunity to register or preregister to vote or update the
14 applicant's voter registration or preregistration information
15 with each qualifying application submitted under this section.

16 (j) Records of applicants who are ineligible to register
17 or preregister to vote or who declined voter registration or
18 preregistration shall be exempt from disclosure under chapter
19 92F because disclosure would constitute a clearly unwarranted
20 invasion of personal privacy.



1 (k) Unless an ineligible applicant wilfully and knowingly
2 takes affirmative steps to register or preregister to vote
3 knowing that the applicant is not eligible to vote or
4 preregister to vote, the record and signature of the ineligible
5 applicant that is transmitted under this section shall not
6 constitute a completed voter registration application, and that
7 applicant shall not be considered to have affirmatively
8 registered or preregistered to vote.

9 (1) Nothing in this section shall be construed to:

10 (1) Amend the substantive qualifications for voter
11 registration or preregistration in this State;

12 (2) Require documentary proof of citizenship for voter
13 registration or preregistration;

14 (3) Require the examiner of drivers to maintain or
15 validate official records of voter registration or
16 preregistration; or

17 (4) Authorize the examiner of drivers to request
18 documentation establishing an applicant's citizenship
19 solely for the purposes of voter registration or
20 preregistration."



1 SECTION 4. Section 286-107, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§286-107 License renewals; procedures and requirements.**

4 (a) The examiner of drivers may accept an application for a
5 renewal of a driver's license made [~~not~~] no more than six months
6 [~~prior to~~] before the date of expiration.

7 If, however, the renewal is not applied for within ninety
8 days after the expiration of the license, the applicant for
9 renewal shall be treated as an applicant for a new license and
10 examined as provided in section 286-108.

11 (b) Except as otherwise provided in subsection (c), an
12 applicant for a renewal of a driver's license under this
13 section, or the reactivation of an expired license under section
14 286-107.5(a), shall appear in person before the examiner of
15 drivers and the examiner of drivers shall administer [~~such~~]
16 physical examinations as the state director of transportation
17 deems necessary to determine the applicant's fitness to continue
18 to operate a motor vehicle.

19 (c) Any person who holds a category (1), (2), or (3)
20 license issued under this part may apply for a renewal of the
21 license online via any electronic or digital means provided by



1 the examiner of drivers, or by mail, if the person is not
2 disqualified from renewing the license under subsection (a)
3 except as provided under subsection (h). The applicant's
4 request to have the license renewed by mail must be received by
5 the examiner of drivers within ninety days after the expiration
6 of the license or it shall be treated as an application for
7 reactivation of an expired license under section 286-107.5. The
8 examiner of drivers shall, upon receipt of the request, furnish
9 the applicant with all necessary forms and instructions. An
10 application for renewal made by electronic or digital means or
11 by mail pursuant to this subsection shall be accompanied by a
12 statement from a licensed physician, physician assistant, or
13 advanced practice registered nurse certifying that the applicant
14 was examined by the licensed physician, physician assistant, or
15 advanced practice registered nurse no more than six months
16 before the expiration date of the applicant's license and that
17 the applicant was found by the examination to have met the
18 physical requirements established by the state director of
19 transportation for the renewal of licenses. The application for
20 renewal by electronic or digital means or by mail shall also be
21 accompanied by:



1 (1) A notarized statement of the applicant certifying that
2 the applicant does not possess any valid license to
3 operate the same or similar category or categories of
4 motor vehicles, issued by another licensing authority
5 (unless the license is concurrently surrendered); and

6 (2) Any other information as may be required by the
7 examiner of drivers that is reasonably necessary to
8 confirm the identity of the applicant and the
9 applicant's fitness to continue to operate a motor
10 vehicle.

11 (d) An applicant for a renewal of the applicant's driver's
12 license, whether applying pursuant to subsections (b) or (c),
13 shall pay the fee determined by the council of the appropriate
14 county. Payment of the fee shall be by certified check or money
15 order, tendered together with the application.

16 (e) No driver's license shall be renewed by the examiner
17 of drivers unless:

18 (1) The examiner of drivers is satisfied of the
19 applicant's fitness to continue to operate a motor
20 vehicle;



- 1 (2) The fee required by subsection (d) is tendered
2 together with the application for renewal;
- 3 (3) The applicant complies with section 286-102.5; and
- 4 (4) The examiner of drivers is satisfied that the
5 applicant does not have outstanding charges and fines
6 relating to the disposition of an abandoned vehicle.

7 (f) No driver's license shall be renewable by electronic
8 or digital means or by mail:

9 (1) For more than two consecutive renewals, regardless of
10 whether the license expires, as provided under section
11 286-106, on the eighth or fourth birthday after
12 issuance; or

13 (2) Sixteen years have lapsed since the applicant had
14 appeared in person;

15 provided that this subsection shall not apply to a resident
16 military person or that person's immediate family if the
17 resident military person resides outside the State on official
18 military orders.

19 (g) Notwithstanding subsection (a), any applicant for a
20 renewal of a driver's license who is a member of any component
21 of the United States armed forces and who is on active federal



1 service outside of the State at the time the applicant's license
2 should be renewed, may file an application for a renewal of the
3 driver's license, which shall be accompanied by verification of
4 federal active service outside the State as required by the
5 examiner of drivers, within ninety days of the applicant's
6 return to the State or discharge from hospitalization. The
7 examiner of drivers may waive the reactivation fee otherwise
8 required by section 286-107.5.

9 (h) The state director of transportation shall adopt rules
10 [~~and regulations~~] pursuant to chapter 91, necessary for the
11 purposes of this section, including rules [~~and regulations~~]
12 governing the effect to be given to convictions for violations
13 of traffic laws of a foreign jurisdiction, upon license renewal
14 procedures.

15 (i) An application for a renewal of a driver's license
16 shall serve as a voter registration application for eligible
17 applicants under the procedures prescribed in section 11-15.7.
18 The examiner of drivers shall consult with the office of
19 elections to ensure that the form contains spaces for all
20 information required to register to vote."



1 SECTION 5. Section 286-110, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§286-110 Instruction permits.** (a) Any person aged
4 fifteen years and six months or more who, except for the
5 person's lack of instruction in operating a motor vehicle, would
6 be qualified to obtain a driver's license issued under this part
7 may apply for a temporary instruction permit or a limited
8 purpose instruction permit at the office of the examiner of
9 drivers in the county in which the applicant resides; provided
10 that the applicant complies with section 286-102.5.

11 (b) The examiner of drivers shall examine every applicant
12 for an instruction permit. The examination shall include tests
13 of the applicant's:

14 (1) Eyesight and other physical or mental capabilities to
15 determine if the applicant is capable of operating a
16 motor vehicle;

17 (2) Understanding of highway signs regulating, warning,
18 and directing traffic; and

19 (3) Knowledge of the traffic laws, ordinances, or
20 regulations of the State and the county where the



1 applicant resides or intends to operate a motor
2 vehicle.

3 (c) If the examiner of drivers is satisfied that the
4 applicant is qualified to receive an instruction permit, the
5 examiner of drivers shall issue the permit entitling the
6 applicant, while having the permit in the applicant's immediate
7 possession, to drive a motor vehicle upon the highways for a
8 period of one year; provided that:

9 (1) An applicant who is registered in a driver training
10 course shall be issued a temporary instruction permit
11 for the duration of the course and the termination
12 date of the course shall be entered on the permit; and

13 (2) If the applicant is a legal immigrant, the permit
14 shall expire no later than the applicant's authorized
15 period of stay in the United States.

16 A person who is not licensed to operate the category of
17 motor vehicles to which the driving training course applies
18 shall not operate a motor vehicle in connection with the driving
19 training course without a valid temporary instruction permit.

20 (d) Except when operating a motor scooter or motorcycle,
21 the holder of an instruction permit shall be accompanied by a



1 person who is twenty-one years of age or older and licensed to
2 operate the category of motor vehicles in which the motor
3 vehicle that is being operated belongs. The licensed person
4 shall occupy a passenger seat beside the permit holder while the
5 motor vehicle is being operated; provided that if the holder of
6 the instruction permit is under the age of eighteen years and is
7 driving between the hours of 11:00 p.m. and 5:00 a.m.:

8 (1) A licensed driver who is the permit holder's parent or
9 guardian shall occupy a passenger seat beside the
10 driver while the motor vehicle is operated, unless the
11 permit holder is an emancipated minor;

12 (2) The licensed driver shall be licensed to operate the
13 same category of motor vehicles as the motor vehicle
14 being operated by the holder of the instruction
15 permit; and

16 (3) All occupants of the motor vehicle shall be restrained
17 by a seat belt assembly or a child passenger safety
18 restraint system as required under sections 291-11.5
19 and 291-11.6, notwithstanding any other law to the
20 contrary.



1 (e) No holder of a temporary instruction permit shall
2 operate a motorcycle or a motor scooter during hours of darkness
3 or carry any passengers.

4 (f) No holder of a category 1 or 2 temporary instruction
5 permit shall have the permit renewed, nor shall the holder be
6 issued another temporary instruction permit for the same
7 purpose, unless the holder has taken the examination for a
8 category 1 or 2 license at least once prior to the expiration of
9 the temporary instruction permit. If the holder of a temporary
10 instruction permit fails to meet the requirements of this
11 section, the holder shall not be permitted to apply for another
12 category 1 or 2 temporary instruction permit for a period of
13 three months. Nothing in this subsection shall affect the right
14 and privilege of any holder of a category 1 or 2 temporary
15 instruction permit to obtain a temporary instruction permit or
16 driver's license for the operation of any other type of motor
17 vehicle.

18 (g) The examiner of drivers may accept an application for
19 renewal of an instruction permit no more than thirty days prior
20 to or ninety days after the expiration date of the instruction
21 permit, whereupon the applicant for renewal of an instruction



1 permit shall be exempt from subsection (b) (2) and (3). If an
2 application for renewal of an instruction permit is not made
3 within ninety days after the expiration date of the permit, the
4 applicant shall be treated as applying for a new instruction
5 permit and examined in accordance with subsection (b).

6 (h) Notwithstanding any other law to the contrary, the
7 examiner of drivers may issue an instruction permit to an
8 applicant with a disability who has completed a medical review
9 with this State, and as a condition to licensure is required to
10 pass a road test, but has failed the road test on the
11 applicant's first attempt. The instruction permit issued under
12 this subsection may be renewed no more than thirty days prior to
13 or ninety days after the expiration date of the instruction
14 permit upon receiving an updated medical report. Subsections
15 (b) (2) and (3) shall not apply to the issuance or renewal of an
16 instruction permit issued under this subsection.

17 For the purposes of this subsection, "applicant with a
18 disability" means an applicant who the examiner of drivers has
19 reasonable cause to believe may have a mental or physical
20 infirmity or disability that would make it unsafe to operate a
21 motor vehicle pursuant to section 286-119(a) (1) and has been



1 medically evaluated by the medical advisory board established
2 pursuant to section 286-4.1.

3 (i) An application for a new or renewed instruction permit
4 shall serve as a voter registration application for eligible
5 applicants under the procedures prescribed in section 11-15.7.
6 The examiner of drivers shall consult with the office of
7 elections to ensure that the form contains spaces for all
8 information required to register or preregister to vote."

9 SECTION 6. Section 286-111, Hawaii Revised Statutes, is
10 amended by amending subsection (f) to read as follows:

11 "(f) An application for [a] an instruction permit,
12 provisional license, or driver's license shall [include the]
13 serve as a voter registration application [required under] for
14 eligible applicants under the procedures prescribed in section
15 11-15.7. The examiner of drivers shall consult with the office
16 of elections to ensure that the form contains spaces for all
17 information required to register or preregister to vote."

18 SECTION 7. Section 286-111.5, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[+]§286-111.5[+] **Voter registration[-] and**
21 **preregistration.** (a) A qualified applicant for a new [or],



1 renewed, or duplicate motor vehicle instruction permit,
2 provisional license, or driver's license shall automatically be
3 registered or preregistered to vote with the clerk of the
4 appropriate county upon completion of the instruction permit,
5 provisional license, or driver's license application and
6 [~~application for voter registration as required in~~] confirmation
7 of eligibility pursuant to section 11-15.7 [~~if the qualified~~
8 ~~applicant makes a choice to register to vote on the application~~
9 ~~form. If already registered to vote, the qualified applicant~~
10 ~~shall be offered the opportunity to decline any changes being~~
11 ~~made to their name and address for voter registration purposes.~~

12 ~~(b) The submission of the application for voter~~
13 ~~registration together with the license or permit application~~
14 ~~shall be deemed to authorize the examiner of drivers to collect~~
15 ~~and transmit the information necessary to register the qualified~~
16 ~~applicant as a voter if the applicant made such a choice or to~~
17 ~~make changes to the qualified applicant's voter registration~~
18 ~~information unless the applicant declined such changes. The~~
19 ~~examiner of drivers shall electronically transmit the necessary~~
20 ~~information to the clerk of the county in which the qualified~~



1 ~~applicant resides, election officials, and the online voter~~
2 ~~registration system pursuant to section 11-15.7(c).~~

3 ~~The examiner of drivers shall not transmit any information~~
4 ~~necessary to register a qualified applicant as a voter if the~~
5 ~~applicant made a choice not to be registered to vote nor~~
6 ~~transmit any information necessary to make changes to the~~
7 ~~qualified applicant's voter registration information if the~~
8 ~~applicant declined such changes. The examiner of drivers shall~~
9 ~~not transmit any information related to a voter application or~~
10 ~~changes to the applicant's voter registration information if the~~
11 ~~applicant presents a document demonstrating a lack of United~~
12 ~~States citizenship.~~

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 8. Section 286-117, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§286-117 Duplicate instruction permits, provisional**
19 **licenses, and driver's licenses.** [†] (a) [†] The holder of an
20 instruction permit, provisional license, or driver's license
21 may, upon payment of the reasonable cost of its issuance, obtain



1 a duplicate[+] instruction permit, provisional license, or
2 driver's license; provided that the holder shall surrender the
3 original instruction permit, provisional license, or driver's
4 license or furnish satisfactory proof of loss or destruction of
5 the same.

6 [+] (b) [+] The chief of police or a police officer shall
7 notify a holder that the holder's instruction permit,
8 provisional license, or driver's license is illegible and that
9 the holder shall within ten days surrender the holder's
10 instruction permit, provisional license, or driver's license and
11 apply for a duplicate[-] instruction permit, provisional
12 license, or driver's license. Upon failure to comply with a
13 notice to surrender an illegible instruction permit, provisional
14 license, or driver's license and apply for a duplicate[+]
15 instruction permit, provisional license, or driver's license,
16 the person to whom the permit or license is issued shall be
17 subject to the penalties in section 286-136.

18 (c) An application for a duplicate instruction permit,
19 provisional license, or driver's license shall serve as a voter
20 registration application for eligible applicants under the
21 procedures prescribed in section 11-15.7. The examiner of



1 drivers shall consult with the office of elections to ensure
2 that the form contains spaces for all information required to
3 register or preregister to vote."

4 SECTION 9. Section 286-303, Hawaii Revised Statutes, is
5 amended by amending subsection (e) to read as follows:

6 "(e) An application for ~~[an]~~ a new, renewed, or duplicate
7 identification card from the examiner of drivers shall [include
8 the] serve as a voter registration application [required under]
9 for eligible applicants in accordance with section 11-15.7. The
10 director shall consult with the office of elections to ensure
11 that the form contains spaces for all information required to
12 register or preregister to vote."

13 SECTION 10. Section 286-303.5, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "[~~+~~]**\$286-303.5**[~~+~~] **Voter registration.** (a) A qualified
16 applicant for a new, ~~[renewal,~~ renewed, or duplicate
17 identification card shall automatically be registered or
18 preregistered to vote with the clerk of the appropriate county
19 upon completion of an application for an identification card and
20 ~~[the application for voter registration as required by]~~
21 confirmation of eligibility pursuant to section 11-15.7 [if the



1 ~~qualified applicant makes a choice to be registered to vote. If~~
2 ~~already registered to vote, the qualified applicant shall be~~
3 ~~offered the opportunity to decline any changes being made to~~
4 ~~their name and address for voter registration purposes.~~

5 ~~(b) The submission of the application for voter~~
6 ~~registration together with the application for the~~
7 ~~identification card shall be deemed to authorize the examiner of~~
8 ~~drivers to collect and transmit the information necessary to~~
9 ~~register the qualified applicant as a voter if the applicant~~
10 ~~made such a choice or to make changes to the qualified~~
11 ~~applicant's voter registration information unless the applicant~~
12 ~~declined such changes. The examiner of drivers shall~~
13 ~~electronically transmit the necessary information to the clerk~~
14 ~~of the county in which the qualified applicant resides, election~~
15 ~~officials, and the online voter registration system pursuant to~~
16 ~~section 11-15.7(c).~~

17 ~~The examiner of drivers shall not transmit any information~~
18 ~~necessary to register a qualified applicant as a voter if the~~
19 ~~applicant made a choice not to be registered to vote nor~~
20 ~~transmit any information necessary to make changes to the~~
21 ~~qualified applicant's voter registration information if the~~



1 ~~applicant declined such changes. The examiner of drivers shall~~
2 ~~not transmit any information related to a voter application or~~
3 ~~changes to the applicant's voter registration information if the~~
4 ~~applicant presents a document demonstrating a lack of United~~
5 ~~States citizenship.~~

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

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

11 "(a) All information and records acquired by the examiner
12 of drivers under this part shall be confidential; provided that
13 the examiner may transmit voter registration information as
14 required under sections 11-15.7, 286-107, 286-110, 286-111, 286-
15 111.5, 286-117, 286-303, and 286-303.5[~~, 286-111, and 286-303~~].

16 All information and records shall be maintained in an
17 appropriate form and in an appropriate office in the custody and
18 under the control of the examiner. The information shall be
19 available only to authorized individuals under restrictions as
20 the 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, that 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 12. Section 346-10, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) The department and its agents shall keep records that
8 may be necessary or proper in accordance with this chapter. All
9 applications and records concerning any applicant or recipient
10 shall be confidential[-]; provided that the department may
11 transmit voter registration information as required under
12 section 11-15.5. The use or disclosure of information
13 concerning applicants and recipients shall be limited to:

- 14 (1) Persons duly authorized by the State or the United
15 States in connection with their official duties, when
16 the official duties are directly connected with the
17 administration of any form of public assistance,
18 medical assistance, food stamps, or social services;
- 19 (2) Purposes directly connected with any investigation,
20 prosecution, or criminal or civil proceeding conducted
21 in connection with the administration of any form of



1 public assistance, food stamps, medical assistance, or
2 social services, including disclosure by the
3 department of information and documents to police
4 departments, prosecutors' offices, the attorney
5 general's office, or any other state, county, or
6 federal agency engaged in the detection,
7 investigation, or prosecution of violations of
8 applicable state, county, and federal laws or
9 regulations regarding any aspect of theft, fraud,
10 deception, or overpayment in connection with any
11 aspect of public assistance, food stamps, medical
12 assistance, or social services; provided that
13 disclosure by recipient agencies and personnel shall
14 be permitted under this section to the extent
15 reasonably necessary to carry out the functions for
16 which the information was provided;

17 (3) Disclosure to the extent necessary to provide services
18 for applicants and recipients, to determine
19 eligibility, or to determine the amount of public
20 assistance, including verification of information
21 provided by the recipient of public assistance,



1 medical assistance, or food stamps, or to determine
2 the type, kind, frequency, and amount of social
3 services, including health and mental health related
4 services needed;

5 (4) Disclosure to banks, financial institutions, or any
6 other payor of a public assistance warrant or check of
7 any information indicating that a public assistance
8 warrant or check honored by the bank, institution, or
9 payor has been forged or otherwise wrongfully
10 presented for payment;

11 (5) Federal agencies responsible for the administration of
12 federally assisted programs that provide assistance in
13 cash or in kind for services directly to individuals
14 on the basis of need and the certification of receipt
15 of assistance to needy families with minor dependents
16 to an employer for purposes of claiming tax credit
17 under Public Law 94-12, the Tax Reduction Act of 1975,
18 shall be permitted;

19 (6) Employees acting within the scope and course of their
20 employment of recognized social welfare organizations
21 as may be approved by the department;



- 1 (7) Purposes directly connected with any investigation,
2 prosecution, or criminal proceeding conducted in
3 connection with the licensure or operation of an adult
4 day care center, including disclosure by the
5 department of information and documents to police
6 departments, prosecutors' offices, the attorney
7 general's office, or any other state, county, or
8 federal agency engaged in the detection,
9 investigation, or prosecution of violations of
10 applicable state, county, and federal laws or
11 regulations;
- 12 (8) Disclosure to the child support enforcement agency for
13 obtaining or enforcing a child support order under
14 chapter 576D;
- 15 (9) Disclosure of a recipient's residence and business
16 address to law enforcement officers who request
17 information if the information is needed for an
18 official administrative, civil, or criminal law
19 enforcement purpose to identify a recipient as a
20 fugitive felon or parole violator, and in cases where
21 the information is needed for an official purpose and



H.B. NO. 322

Report Title:

Elections; DHS; Automatic Voter Registration; Med-QUEST; Motor Vehicle Permits and Licenses; Identification Cards

Description:

Requires the Department of Human Services to automatically transmit voter registration information for any Med-Quest applicant. Authorizes state agencies to implement automatic voter registration if designated by the Office of Elections. Requires eligible applicants for instruction permits, provisional licenses, driver's licenses, and identification cards to be automatically registered or preregistered to vote unless the applicant opts out.

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

