

**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
www.hawaii.gov/elections

SCOTT T. NAGO
CHIEF ELECTION OFFICER

December 27, 2012

Charlotte Carter-Yamauchi , Acting Director
Legislative Reference Bureau
State Capitol, Room 446
Honolulu, Hawaii 96813

Dear Director Carter-Yamaguchi:

For your information and consideration, I am transmitting two (2) copies of the Report to the Legislature in accordance with Section 6 of Act 225, Session Laws of Hawaii 2012. Also enclosed are the letters of transmittal to the Senate President and the Speaker of the House.

Very truly yours,

SCOTT T. NAGO
Chief Election Officer

STEWART MAEDA
County of Hawaii, Clerk

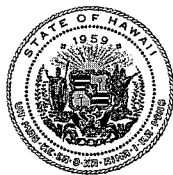
JEFFREY KUWADA
County of Maui, Clerk

BERNICE MAU
City & County of Honolulu, Clerk

RICKY WATANABE
County of Kauai, Clerk

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OE-400-12

Enclosures



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SCOTT T. NAGO
CHIEF ELECTION OFFICER

December 27, 2012

The Honorable Shan Tsutsui, President
and the Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear President Tsutsui and Members of the Senate:

For your information and consideration, I am transmitting two (2) copies of the Report to the Legislature in accordance with Section 6 of Act 225, Session Laws of Hawaii 2012.

Very truly yours,

SCOTT T. NAGO
Chief Election Officer

STEWART MAEDA
County of Hawaii, Clerk

JEFFREY KUWADA
County of Maui, Clerk

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City & County of Honolulu, Clerk

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SCOTT T. NAGO
CHIEF ELECTION OFFICER

December 27, 2012

The Honorable Calvin K.Y. Say, Speaker
and the Members of the House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear Speaker Say and Members of the House of Representatives:

For your information and consideration, I am transmitting two (2) copies of the Report to the Legislature in accordance with Section 6 of Act 225, Session Laws of Hawaii 2012.

Very truly yours,

SCOTT T. NAGO
Chief Election Officer

STEWART MAEDA
County of Hawaii, Clerk

JEFFREY KUWADA
County of Maui, Clerk

BERNICE MAU
City & County of Honolulu, Clerk

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OE-399-12

Enclosures

Report to the Twenty-Seventh State Legislature
2013 Regular Session

Relating to Voter Registration

As Required by
Act 225, Session Laws of Hawaii 2012

December 27, 2012

Pursuant to Section 6 of Act 225, Session Laws of Hawaii (SLH) 2012, the Office of Elections hereby submits the following report concerning the feasibility of using the last four digits of an individual's social security number, in lieu of using that number in its entirety in voter registration and record keeping.

SECTION 6. The chief election officer and the clerk of each county shall work collaboratively to study the feasibility of using the last four digits of an individual's social security number, in lieu of using that number in its entirety in voter registration and record keeping, and shall submit a written report of the findings and recommendations and any suggested legislation to the legislature no less than twenty days prior to the convening of the regular session of 2013.

Act 225, SLH 2012.

In 1936, the Social Security Administration established the social security number for the sole purpose of tracking earnings of workers to be used in determining social security entitlement and benefits. With time, federal, state, and local governments began using the social security number as a unique identifier for tracking personnel in new computerized record system. The private sector also began using the social security number as a unique identifier. Additionally, various federal laws and regulations were passed requiring the collection of social security numbers.

Given the universal nature of social security numbers, identity theft has become a major concern and the safeguarding of social security numbers and similar information is generally recognized in state and federal law. With this in mind, the Federal Privacy Act of 1974, Pub. L. 93-579 provides that it is "unlawful to deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number." Section 7(a)(1).

However, there are specific exceptions for "any disclosure which is required by federal statute" or "the disclosure of a social security number to any federal, state, or local agency maintaining a system of records in existence and

operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual. Section 7(a)(2).

The utilization of the social security number for voter registration purposes in the State of Hawaii was required by statute prior to 1975. As such, it is exempted from the provisions of the Federal Privacy Act.

Additionally, it is also relevant to note that for voter registration purposes, the National Voter Registration Act of 1993 provides that individuals be given an opportunity to register to vote when applying for or renewing their driver's license. In applying for a driver's license, state law requires the provision of a social security number. HRS § 286-111. The provision of a social security number in the context of a driver's license application is specifically authorized by federal law and as such is exempted from the provisions of the Privacy Act. 42 USC § 405(c)(2)(i).

In assessing the feasibility of using the last four digits of an individual's social security number, in lieu of using that number in its entirety in voter registration and record keeping, the nature of the statewide voter registration system and the driver licensing system are the main issues.

The statewide voter registration system is a mainframe computer system that indexes individual voter records using each voter's unique social security number.

The statewide voter registration system is a transactional database residing on an IBM Z-series mainframe computer that also hosts the driver's licensing database. Both databases are presently maintained by the City and County of Honolulu. The system indexes individual voter records using each voter's unique social security number. It cannot identify a voter solely on the basis of the last four digits of their social security number since the volume of voter records would result in multiple, duplicate four digit numbers.

Also, state and federal law requires that voter registration records be compared against other databases to ensure the integrity and accuracy of the voter registration rolls. HRS § 11-20 & 42 USC § 15483. This can only be guaranteed if we are using the same unique identifier.

With this in mind, in order to ensure the continued integrity of the statewide voter registration system, the attached draft legislation provides, in relevant part, as follows:

The applicant may attempt to satisfy the requirement of providing the applicant's social security number, as required by subsection (a)(1), by providing the applicant's Hawaii driver's license number and the last four digits of the applicant's social security number on the application. Providing this information shall authorize election officials to obtain the applicant's full social security number from the Hawaii driver's license database. To the extent the full social security number cannot be obtained in this manner, the applicant shall be required to directly provide his or her social security number to complete the voter registration application.

Section 1 of Draft Legislation.

This draft legislation, builds on previous legislation that prohibited the use of a social security number on a driver's license, while still permitting the examiner of drivers to require the applicant to provide his or her social security number. Act 269, SLH 1999. As such, the social security number is used internally by the government agency, while a separate Hawaii driver's license number is generated and displayed on the driver's license.

In order to accommodate the ability of an applicant to provide his or her driver's license number and the last four digits of the applicant social security number when registering to vote, the attached draft legislation indicates the need for appropriate funding and time, to plan, design, and make the necessary changes to the statewide voter registration system. This would include the need to design/incorporate additional interoperability between the driver's license and voter registration system (e.g. automatic/real time verifications for transactions) so that obtaining the information is not done manually.

Report Title:

Voter Registration

Description:

Authorizes voter registration applicants, in lieu of directly providing their social security number, to provide their Hawaii Driver's License number and the last four digits of their social security number.

A BILL FOR AN ACT

RELATING TO VOTER REGISTRATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 11-15, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§11-15 Application to register.** (a) Any person
4 qualified to and desiring to register as a voter in any county
5 shall make and subscribe to an application in the form of an
6 affidavit.

7 The affidavit shall contain the following information:

8 (1) Name;

9 (2) Social security number;

10 (3) Date of birth;

11 (4) Residence, including mailing address;

12 (5) That the residence stated in the affidavit is not
13 simply because of the person's presence in the State, but that
14 the residence was acquired with the intent to make Hawaii the
15 person's legal residence with all the accompanying obligations
16 therein; and

17

___ .B. NO.

1 (6) That the person is a citizen.

2 An application to register to vote shall include a
3 space to request a permanent absentee ballot.

4 (b) The applicant may attempt to satisfy the requirement
5 of providing the applicant's social security number, as required
6 by subsection (a)(1), by providing the applicant's Hawaii
7 driver's license number and the last four digits of the
8 applicant's social security number on the application.
9 Providing this information shall authorize election officials to
10 obtain the applicant's full social security number from the
11 Hawaii driver's license database. To the extent the full social
12 security number cannot be obtained in this manner, the applicant
13 shall be required to directly provide his or her social security
14 number to complete the voter registration application.

15 [~~(b)~~] (c) The applicant shall swear to the truth of the
16 allegations by self-subscribing affirmation in the affidavit on
17 application for voter registration or other form prescribed by
18 the chief election officer. Unless contested by a qualified
19 voter, the clerk may accept, as prima facie evidence, the
20 allegation of the applicant in information required in the
21 affidavit in subsection (a)(5). In any other case where the
22 clerk shall so desire or believe the same to be expedient, the

____.B. NO.

1 clerk may demand that the applicant furnish substantiating
2 evidence to the allegations of the applicant's application.

3 ~~(e)~~ (d) The applicant shall then affix the applicant's
4 signature to the affidavit. In the case where an applicant is
5 unable to write for the reason of illiteracy, blindness, or
6 other physical disability, the applicant's mark shall be
7 witnessed by another person who shall sign the affidavit in the
8 space provided. A voter having once been registered shall not
9 be required to register again for any succeeding election,
10 except as provided in this chapter. Affidavits approved by the
11 clerk shall thereupon be numbered appropriately, filed by the
12 clerk, and kept available for election or government purposes in
13 accordance with procedures established by section 11-97.

14 Approved voter registration transactions conducted through the
15 online voter registration system established pursuant to section
16 11-15.3 shall be assigned a transaction number in a manner that
17 is substantially similar to the numbering of affidavits.

18 ~~(d)~~ (e) The clerk may designate a subordinate or
19 subordinates to act in the clerk's place in all matters covered
20 by this section, except that no candidate shall be eligible to
21 serve as a subordinate.

___ .B. NO.

1 SECTION 2. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$100,000, or so much
3 thereof as may be necessary for fiscal year 2013-2014, and the
4 same sum, or so much thereof as may be necessary for fiscal year
5 2014-2015 to plan, design, and make the necessary changes to the
6 voter registration system to accomplish the purpose of this Act.
7 This will include the design and incorporation of additional
8 interoperability between the driver's license and voter
9 registration systems, such as automatic and real time
10 verifications for transactions, so that obtaining the necessary
11 information is not done manually.

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on July 1, 2013;
15 provided that section 1 shall apply to applications to register
16 to vote beginning on July 1, 2016.

17

18

INTRODUCED BY: _____