H.B. NO. 3297

A BILL FOR AN ACT

RELATING TO A CONSTITUTIONAL CONVENTION.

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

SECTION 1. The legislature finds that there is
 considerable interest throughout the community regarding the
 notion of a future constitutional convention. Many anticipate
 strong grassroots interest in a constitutional convention and
 possibly a large influx getting involved and running for
 delegate seats.

7 The legislature also finds that elections for 8 constitutional convention delegates are surprisingly absent from 9 the existing campaign spending laws. The last constitutional 10 convention was held thirty years ago, and the cost of 11 campaigning has swelled enormously over the past few decades. 12 Meanwhile, there has been growing interest in increasing 13 the availability of public funding for election campaigns in 14 Hawaii. Public funding helps to reduce the influence of private

15 money in campaigns and opens up the electoral process to new 16 participants.

Given these trends, there is an exceptional opportunity to
 establish a new campaign finance system for candidates for the
 position of constitutional convention delegate.

The purpose of this Act is to establish a substantial
public funding option for candidates campaigning to be a
constitutional convention delegate, to provide an alternative to
private funding sources, and to encourage ordinary citizens to
run for constitutional convention seats.

9 SECTION 2. Section 11-209, Hawaii Revised Statutes, is10 amended to read as follows:

11 "§11-209 Campaign expenditures; limits as to amounts. (a) 12 From January 1 of the year of any primary, special, or general 13 election, the total expenditures for each election for 14 candidates who voluntarily agree to limit their campaign 15 expenditures, inclusive of all expenditures made or authorized 16 by the candidate alone and all campaign treasurers and 17 committees in the candidate's behalf, shall not exceed the 18 following amounts expressed respectively multiplied by the number of voters in the last preceding general election 19 20 registered to vote in each respective voting district:

21 (1) For the office of governor--\$2.50;

22 (2) For the office of lieutenant governor--\$1.40;



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1	(3)	For the office of mayor\$2.00;	
2	(4)	For the offices of state senator, state	
3		representative, and county council member\$1.40; and	
4	(5)	For the offices of the board of education and all	
5		other offices except constitutional convention	
6		<u>delegates</u> 20 cents.	
7	(b)	During the time between the general election in which	
8	voters ap	prove a ballot question to call for a constitutional	
9	conventio	n until the special election to elect delegates to that	
10	constitut	ional convention, the total expenditures for	
11	constitutional convention delegate candidates that voluntarily		
12	agree to limit their campaign expenditures, inclusive of all		
13	expenditures made or authorized by the candidate alone and all		
14	campaign	treasurers and committees in the candidate's behalf,	
15	shall not	exceed \$2.50 multiplied by the number of voters	
16	registere	d to vote in the preceding general election in each	
17	respectiv	e constitutional convention delegate voting district.	
18	[-(b)] (c) A candidate or committee who has voluntarily	
19	agreed to	the expenditure limits in this section and who exceeds	
20	their res	pective expenditure limits shall pay the full filing	
21	fee and s	hall notify all opponents, the chief election officer,	
22	and the c	ommission by telephone and in writing the day the	
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1 expenditure limits are exceeded. All contributors shall be
2 notified within thirty days of exceeding the expenditure limits.
3 Notification to contributors shall include an announcement that
4 tax deductions based on their contributions are no longer
5 available."

6 SECTION 3. Section 11-218, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§11-218 Candidate funding; amounts available. (a) For
9 the office of governor, lieutenant governor, or mayor, the
10 maximum amount of public funds available to a candidate in any
11 election shall not exceed ten per cent of the total expenditure
12 limit as determined under section 11-209 for each election for
13 each office listed in this subsection.

(b) For the office of state senator, state representative,
county council member, and prosecuting attorney, the maximum
amount of public funds available to a candidate in any election
shall be fifteen per cent of the total expenditure limit as
determined under section 11-209 for each election for each
office listed in this subsection.

(c) For the office of Hawaiian affairs, the maximum amount
of public funds available to a candidate shall not exceed \$1,500
in any election year.



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1	(d) For the office of constitutional convention delegate,
2	the maximum amount of public funds available to a candidate in
3	any election shall be eighty per cent of the total expenditure
4	limit as determined under section 11-209.
5	[(d)] <u>(e)</u> For the board of education and all other
6	offices, the maximum amount of public funds available to a
7	candidate shall not exceed \$100 in any election year.
8	[(c)] <u>(f)</u> Each candidate who qualified for the maximum
9	amount of public funding in any primary election and who is a
10	candidate for a subsequent general election shall apply with the
11	commission to be qualified to receive the maximum amount of
12	public funds as provided in this section for the respective
13	election. For purposes of this section, "qualified" means
14	meeting the qualifying campaign contribution requirements of
15	section 11-219."
16	SECTION 4. Section 11-219, Hawaii Revised Statutes, is
17	amended to read as follows:
18	"§11-219 Qualifying campaign contributions; amounts. As a
19	condition of receiving public funds for a primary or general
20	election, a candidate shall not be unopposed in any election for
21	which public funds are sought, shall have filed an affidavit
22	with the commission pursuant to section 11-208 to voluntarily
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1	limit the	cand	idate's campaign expenditures, and shall be in
2	receipt o	f the	following sum of qualifying campaign
3	contribut:	ions :	from individual residents of Hawaii:
4	(1)	For	the office of governorqualifying contributions
5		that	in the aggregate, exceed \$100,000;
6	(2)	For	the office of lieutenant governorqualifying
7		cont	ributions that in the aggregate, exceed \$50,000;
8	(3)	For	the office of mayor for each respective county:
9		(A)	County of Honoluluqualifying contributions that
10			in the aggregate, exceed \$50,000;
11		(B)	County of Hawaiiqualifying contributions that
12			in the aggregate, exceed \$15,000;
13		(C)	County of Mauiqualifying contributions that in
14			the aggregate, exceed \$10,000; and
15		(D)	County of Kauaiqualifying contributions that in
16			the aggregate, exceed \$5,000; and
17	(4)	For	the office of prosecuting attorney for each
18		resp	ective county:
19		(A)	County of Honoluluqualifying contributions that
20			in the aggregate, exceed \$30,000;
21		(B)	County of Hawaiiqualifying contributions that
22			in the aggregate, exceed \$10,000; and
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1		(C) County of Kauaiqualifying contributions that in
2		the aggregate, exceed \$5,000;
3	(5)	For the office of county councilfor each respective
4		county:
5		(A) County of Honoluluqualifying contributions that
6		in the aggregate, exceed \$5,000;
7		(B) County of Hawaiiqualifying contributions that
8		in the aggregate, exceed \$1,500;
9		(C) County of Mauiqualifying contributions that in
10		the aggregate, exceed \$5,000; and
11		(D) County of Kauaiqualifying contributions that in
12		the aggregate, exceed \$3,000;
13	(6)	For the office of state senatorqualifying
14		contributions that, in the aggregate, exceed \$2,500;
15	(7)	For the office of state representativequalifying
16		contributions that, in the aggregate, exceed \$1,500;
17	(8)	For the office of Hawaiian affairsqualifying
18		contributions that, in the aggregate, exceed \$1,500;
19		and
20	(9)	For constitutional convention delegates and all other
21		offices, qualifying contributions that, in the
22		aggregate, exceed \$500."
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1	SECT	ION 5. Section 11-220, Hawaii Revised Statutes, is			
2	amended by	y amending subsection (b) to read as follows:			
3	"(b)	To be eligible to receive payments pursuant to			
4	section 11-217, a candidate shall certify to the commission				
5	that:				
6	(1)	The candidate and all committees authorized by the			
7		candidate shall not incur campaign expenses in excess			
8		of the expenditure limitations imposed by section 11-			
9		209;			
10	(2)	The candidate has qualified to be on the election			
11		ballot in a primary, special, or general election;			
12	(3)	The candidate has filed a statement of intent to seek			
13		qualifying contributions. A contribution received			
14		before the filing of a statement of intent to seek			
15		public funds shall not be considered a qualifying			
16		contribution;			
17	(4)	The candidate or committee authorized by the candidate			
18		has received the qualifying sum of private			
19		contributions for the office sought by the candidate			
20		as set forth in section 11-219; and			

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1 The aggregate of contributions certified with respect (5)2 to any person under paragraph (4) does not exceed 3 \$100." 4 SECTION 6. Section 11-221, Hawaii Revised Statutes, is 5 amended to read as follows: 6 "§11-221 Entitlement to payments. (a) [A] For all 7 offices except constitutional convention delegate, a candidate 8 shall obtain the minimum amount of qualifying contributions set 9 forth in section 11-219, once for the election period. After 10 the candidate obtains the minimum amount of qualifying campaign 11 contributions, the candidate shall be entitled to receive for 12 each election that the candidate's name appears on the ballot: 13 The minimum payment in an amount equal to the (1)14 qualifying campaign contributions; and Payments of \$1 for each \$1 of qualifying contributions 15 (2)16 in excess of the minimum amount of qualifying 17 contributions: provided that the candidate shall not receive more than the 18 19 maximum amount of public funds available to a candidate pursuant 20 to section 11-218; provided further that the candidate shall not 21 receive public funds for a primary election if the candidate

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1	does not obtain the minimum amount of qualifying contributions		
2	before the date of the primary election.		
3	(b) A candidate for constitutional convention delegate		
4	shall obtain the minimum amount of qualifying contributions set		
5	forth in section 11-219, for the period between the general		
6	election in which voters approved the ballot question		
7	authorizing the constitutional convention and the special		
8	election for election of delegates to the constitutional		
9	convention. After a candidate obtains the minimum amount of		
10	qualifying campaign contributions, the candidate shall be		
11	entitled to receive:		
12	(1) The minimum payment in an amount equal to the		
13	qualifying campaign contributions; and		
14	(2) Payments of \$4 for each \$1 of qualifying contributions		
15	in excess of the minimum amount of qualifying		
16	contributions;		
17	provided that the candidate shall not receive more than the		
18	maximum amount of public funds available to a candidate		
19	pursuant to section 11-218.		
20	[(b)] <u>(c)</u> A candidate shall have at least one other		
21	qualified candidate as an opponent for the primary or general		
22	election to receive public funds for that election."		
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1 SECTION 7. Section 11-222, Hawaii Revised Statutes, is 2 amended by amending subsection (b) to read as follows: 3 "(b) Each candidate in receipt of the qualifying sum of 4 contributions established for the candidate's office may apply 5 to the commission for public funding after the candidate has 6 become a candidate in a primary, special, or general election." 7 SECTION 8. Section 11-222, Hawaii Revised Statutes, is 8 amended by amending subsection (b) to read as follows: 9 "(b) Each candidate in receipt of the qualifying sum of 10 contributions established for the candidate's office may apply to the commission for public funding after the candidate has 11 12 become a candidate in a primary, special, or general election." 13 SECTION 9. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ 14 or so 15 much thereof as may be necessary for fiscal year 2008-2009 to be 16 deposited into the Hawaii election campaign fund established by 17 section 11-217, Hawaii Revised Statutes, for the purpose of 18 providing public funding for a special election to elect 19 constitutional convention delegates.

20 The sum appropriated shall be expended by the campaign21 spending commission for the purposes of this Act.

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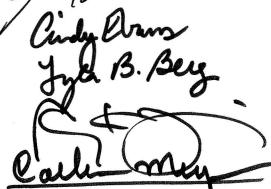
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SECTION 10. Statutory material to be repealed is bracketed
 and stricken. New statutory material is underscored.

3 SECTION 11. This Act shall take effect upon its approval;
4 provided that section 9 shall take effect on July 1, 2008.

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INTRODUCED BY:



Alla a. Belatti



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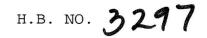
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Report Title:

Constitutional Convention; Public Funding; Appropriation

Description:

Amends campaign spending laws to include public funding for special elections for the election of delegates to a constitutional convention. Appropriates funds.

