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JAN 24 2007

A BILL FOR AN ACT

RELATING TO CAMPAIGN FINANCING.

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 part to be appropriately designated and to read
- 3 as follows:
- 4 "PART . PUBLIC FUNDING FOR CAMPAIGNS; STEPS
- 5 §11-A Definitions. As used in this part:
- 6 "Competitive expenditure limit" or "expenditure limit"
- 7 means the expenditure limit for a candidate receiving public
- 8 funding, to be determined by the campaign spending commission
- 9 based on the historically competitive amount spent by winners of
- 10 the office for which the candidate is running.
- "Public funding step 1" means the partial public funding
- 12 program that provides matching public funding up to a maximum of
- 13 ten to fifteen per cent of the expenditure limit.
- "Public funding step 2" means the public funding program
- 15 that provides matching public funding up to a maximum of thirty
- 16 per cent of the expenditure limit.

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- 1 "Public funding step 3" means the public funding program
- 2 that provides a lump sum of public funding equal to seventy per
- 3 cent of the expenditure limit.
- 4 "Public funding step 4" means the public funding program
- 5 that provides public funding of one hundred per cent of the
- 6 expenditure limit plus equalizing funds.
- 7 "Start-up funds" means private funds raised by a candidate
- 8 that may be expended prior to receiving public funding, for the
- 9 purpose of determining campaign viability.
- 10 "Surplus campaign funds" means private funds raised by the
- 11 candidate and not spent during a prior election period.
- 12 §11-B Public funding steps; determination by campaign
- 13 spending commission. (a) No later than September 1 of the year
- 14 prior to any primary, special, or general election, the campaign
- 15 spending commission shall determine whether public funding
- 16 step 1, step 2, step 3, or step 4 shall be available to
- 17 candidates in the upcoming election cycle.
- 18 (b) The commission is not bound to impose one public
- 19 funding step for all elections in a given election year;
- 20 provided that the commission may decide to make different public
- 21 funding steps available for different offices, or may allow
- 22 candidates to choose to apply for any public funding step.



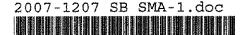
- 1 (c) The commission shall make the determination under
- 2 subsection (a) based on the following criteria: availability of
- 3 funding, interest by candidates and voters, and the opportunity
- 4 to effectively promote competitive elections. The elections for
- 5 governor, state senate, and state house of representatives shall
- 6 have priority for higher public funding steps.
- 7 (d) Public funding steps shall not apply to elections of
- 8 the office of Hawaiian affairs and board of education, and other
- 9 offices not specified in section 11-219; provided that public
- 10 funding step 1 shall apply to those elections.
- 11 §11-C Start-up funds. (a) The purpose of start-up funds
- 12 shall be limited to expenditures necessary to determine whether
- 13 sufficient support exists for a candidate to run for office
- 14 under a public funding program.
- (b) Start-up funds only include funds raised and spent
- 16 prior to approval for public funding. If a candidate qualifies
- 17 for and accepts public funds, start-up funds shall not count
- 18 toward the expenditure limits established in section 11-209.
- 19 (c) Once a candidate is approved for public funding, any
- 20 private funds raised by the candidate are no longer considered
- 21 start-up funds, and shall count toward the expenditure limits
- 22 established in section 11-209 and shall be subject to the other



- 1 requirements in section 11-D. Any unspent start-up funds may be
- 2 retained and spent, and shall be considered private funds.
- 3 (d) Contributions for start-up funds are subject to this
- 4 chapter. The amount of start-up funds raised or expended, or
- 5 both, by a candidate seeking eligibility for public funding
- 6 shall not exceed \$10,000 for candidates for governor, lieutenant
- 7 governor, and mayor, or \$3,000 for prosecuting attorney, county
- 8 council, state senator, and state representative. A candidate
- 9 may use personal funds or surplus campaign funds for start-up
- 10 funds, subject to the above limits and this chapter.
- 11 (e) This section shall apply to candidates under public
- 12 funding steps 1, 2, and 3. Public funding step 4 start-up funds
- 13 shall be determined in accordance with this chapter.
- 14 §11-D Private funds; restrictions. (a) Under public
- 15 funding step 1, each candidate who accepts public campaign funds
- 16 may raise private funds so that the total amount of private
- 17 funds and public funds are subject to the expenditure limit, and
- 18 contributions shall be subject to the contribution limits under
- 19 this chapter.
- 20 (b) Under public funding step 2, each candidate who
- 21 accepts public campaign funds may raise private funds so that
- 22 the total amount of private funds and public funds are subject



- 1 to the expenditure limit, but shall not accept campaign
- 2 contributions from any person or other entity in an aggregate
- 3 amount greater than \$500. Any candidate who accepts campaign
- 4 contributions greater than \$500 shall immediately return all of
- 5 the public campaign funds the candidate has received to the
- 6 Hawaii election campaign fund.
- 7 (c) Under public funding step 3, each candidate who
- 8 accepts public campaign funds may raise private funds so that
- 9 the total amount of private funds and public funds are subject
- 10 to the expenditure limit, but may not accept campaign
- 11 contributions from any person or other entity in an aggregate
- 12 amount greater than \$100. Any candidate who accepts campaign
- 13 contributions greater than \$100 shall immediately return all of
- 14 the public campaign funds the candidate has received to the
- 15 Hawaii election campaign fund.
- (d) Under public funding step 4, candidates shall not
- 17 accept any private funds and shall meet continuing obligations
- 18 after the election period, as provided under this chapter.
- 19 §11-E Surplus funds. (a) Under public funding steps 1,
- 20 2, and 3, a candidate who has surplus campaign funds from a
- 21 previous election is prohibited from using those funds for
- 22 anything other than in-office constituent communications. The



- 1 surplus campaign funds shall be maintained in a separate
- 2 depository account from that established for funds used during
- 3 the campaign for which the candidate has received public
- 4 funding. The candidate shall continue to file reports on the
- 5 surplus campaign funds in accordance with section 11-195 or as
- 6 otherwise may be required by the commission.
- 7 (b) Under public funding steps 1, 2, and 3, if a candidate
- 8 who accepted public funds is elected into office, surplus
- 9 campaign funds from the recent election or from a previous
- 10 election may be carried over to cover in-office constituent
- 11 communications not to exceed \$6,000 annually. If the candidate
- 12 has a total surplus less than \$12,000 for a two-year term of
- 13 office or less than \$24,000 for a four-year term of office, the
- 14 candidate may raise the difference while in office.
- (c) Under public funding step 4, candidates may use
- 16 surplus funds for in-office constituent communications in
- 17 accordance with this chapter."
- 18 SECTION 2. Section 11-209, Hawaii Revised Statutes, is
- 19 amended by amending subsection (a) to read as follows:
- 20 "(a) From January 1 of the year of any primary, special,
- 21 or general election, the total expenditures for each election
- 22 for candidates who voluntarily agree to limit their campaign



expenditures, inclusive of all expenditures made or authorized 1 2 by the candidate alone and all campaign treasurers and 3 committees in the candidate's behalf, shall not exceed the 4 [following amounts expressed respectively multiplied by the 5 number of voters in the last preceding general election 6 registered to vote in each respective voting district: 7 (1) For the office of governor \$2.50; 8 (2) For the office of lieutenant governor \$1.40; 9 (3) For the office of mayor \$2.00; 10 (4) For the offices of state senator, state 11 representative, and county council member \$1.40; and 12 (5) For the offices of the board of education and all other offices 20 cents.] competitive expenditure limit. 13 14 competitive expenditure limit for each office shall be 15 determined by the campaign spending commission no later than 16 September 1 of the year prior to the primary, special, or 17 general election. The commission shall determine the 18 competitive expenditure limit by calculating the average of the 19 amounts spent by the winners of a given office and district in 20 the previous two elections. The commission may choose to set competitive expenditure limits higher than that calculation, 21 22 based on the following criteria: a change in the number of 2007-1207 SB SMA-1.doc

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    voters in that district, inflation, changes in the cost of
    products or services typically purchased for campaigns, and any
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    other factors that are anticipated to affect the cost of
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    campaigning."
         SECTION 3. Section 11-218, Hawaii Revised Statutes, is
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    amended to read as follows:
         "§11-218 Candidate funding; amounts available. (a) [For]
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    Under public funding step 1, for the office of governor,
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    lieutenant governor, or mayor, the maximum amount of public
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    funds available to a candidate in any election shall not exceed
    ten per cent of the total expenditure limit as determined under
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    section 11-209 for each election for each office listed in this
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    subsection. Under public funding step 2, for the office of
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    governor, lieutenant governor, or mayor, the maximum amount of
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    public funds available to a candidate in any election shall not
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    exceed thirty per cent of the expenditure limit as determined
    under section 11-209 for each election for each office listed in
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    this subsection. Under public funding step 3, for the office of
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    governor, lieutenant governor, or mayor, the maximum amount of
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    public funds available to a candidate in any election shall not
    exceed seventy per cent of the spending limit as determined
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1 under section 11-209 for each election for each office listed in 2 this subsection. 3 [For] Under public funding step 1, for the office of (b) 4 state senator, state representative, county council member, and 5 prosecuting attorney, the maximum amount of public funds 6 available to a candidate in any election shall be fifteen per cent of the total expenditure limit as determined under section 7 8 11-209 for each election for each office listed in this 9 subsection. Under public funding step 2, for the office of 10 state senator, state representative, county council member, and 11 prosecuting attorney, the maximum amount of public funds 12 available to a candidate in any election shall be thirty per 13 cent of the expenditure limit as determined under section 11-209 14 for each election for each office listed in this subsection. Under public funding step 3, for the office of state senator, 15 state representative, county council member, and prosecuting 16 17 attorney, the maximum amount of public funds available to a 18 candidate in any election shall be seventy per cent of the

spending limit as determined under section 11-209 for each

election for each office listed in this subsection.

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- 1 (c) For the office of Hawaiian affairs, the maximum amount
- 2 of public funds available to a candidate shall not exceed \$1,500
- 3 in any election year.
- 4 (d) For the board of education and all other offices, the
- 5 maximum amount of public funds available to a candidate shall
- 6 not exceed \$100 in any election year.
- 7 (e) Each candidate who qualified for the maximum amount of
- 8 public funding in any primary election and who is a candidate
- 9 for a subsequent general election shall apply with the
- 10 commission to be qualified to receive the maximum amount of
- 11 public funds as provided in this section for the respective
- 12 election. For purposes of this section, "qualified" means
- 13 meeting the qualifying campaign contribution requirements of
- 14 section 11-219.
- (f) Under public funding step 4, the maximum amount of
- 16 public funds available to a candidate in any election shall be
- 17 one hundred per cent of the expenditure limit plus equalizing
- 18 funds as determined under this chapter."
- 19 SECTION 4. Section 11-219, Hawaii Revised Statutes, is
- 20 amended to read as follows:
- 21 "S11-219 Qualifying campaign contributions; amounts. [As]
- 22 (a) Under public funding step 1, as a condition of receiving



1	public fun	ds for a primary or general election, a candidate
2	shall not	be unopposed in any election for which public funds
3	are sought	, shall have filed an affidavit with the commission
4	pursuant t	o section 11-208 to voluntarily limit the candidate's
5	campaign e	xpenditures, and shall be in receipt of the following
6	sum of qua	lifying campaign contributions from individual
7	residents	of Hawaii:
8	(1)	For the office of governorqualifying contributions
9		that in the aggregate, exceed \$100,000;
10	(2)	For the office of lieutenant governorqualifying
11		contributions that in the aggregate, exceed \$50,000;
12	(3)	For the office of mayor for each respective county:
13		(A) County of Honoluluqualifying contributions that
14		in the aggregate, exceed \$50,000;
15		(B) County of Hawaiiqualifying contributions that
16		in the aggregate, exceed \$15,000;
17		(C) County of Mauiqualifying contributions that in
18		the aggregate, exceed \$10,000; and
19		(D) County of Kauaiqualifying contributions that ir
20		the aggregate, exceed \$5,000; [and]
21	(4)	For the office of prosecuting attorney for each
22	;	respective county:

1		(A) County of Honoluluqualifying contributions that
2		in the aggregate, exceed \$30,000;
3		(B) County of Hawaiiqualifying contributions that
4		in the aggregate, exceed \$10,000; and
5		(C) County of Kauaiqualifying contributions that in
6		the aggregate, exceed \$5,000;
7	(5)	For the office of county council for each respective
8		county:
9		(A) County of Honoluluqualifying contributions that
10		in the aggregate, exceed \$5,000;
11		(B) County of Hawaiiqualifying contributions that
12		in the aggregate, exceed \$1,500;
13		(C) County of Mauiqualifying contributions that in
14		the aggregate, exceed \$5,000; and
15		(D) County of Kauaiqualifying contributions that in
16		the aggregate, exceed \$3,000;
17	(6)	For the office of state senatorqualifying
18		contributions that, in the aggregate, exceed \$2,500;
19	(7)	For the office of state representativequalifying
20		contributions that, in the aggregate, exceed \$1,500;

1	(8)	For the office of Hawaiian affairsqualifying
2		contributions that, in the aggregate, exceed \$1,500;
3		and
4	(9)	For all other offices, qualifying contributions that,
5		in the aggregate, exceed \$500.
6	<u>(b)</u>	Under public funding step 2, as a condition of
7	receiving	public funds for a primary or general election, a
8	candidate	shall not be unopposed in any election for which
9	public fu	nds are sought, shall have filed an affidavit with the
10	commission	n pursuant to section 11-208 to voluntarily limit the
11	candidate	's campaign expenditures, and shall be in receipt of
12	the follow	wing sum of qualifying campaign contributions from
13	individua	l residents of Hawaii, as follows:
14	(1)	For the office of governorqualifying contributions
15		that in the aggregate, exceed \$;
16	(2)	For the office of lieutenant governorqualifying
17		contributions that in the aggregate, exceed
18		\$;
19	(3)	For the office of mayor for each respective county:
20		(A) County of Honoluluqualifying contributions that
21		in the aggregate, exceed \$;

1		(B)	County of Hawaiiqualifying contributions that
2			in the aggregate, exceed \$;
3		<u>(C)</u>	County of Mauiqualifying contributions that in
4			the aggregate, exceed \$; and
5		(D)	County of Kauai qualifying contributions that in
6			the aggregate, exceed \$;
7	(4)	For	the office of prosecuting attorney for each
8		resp	ective county:
9		(A)	County of Honoluluqualifying contributions that
10			in the aggregate, exceed \$;
11		<u>(B)</u>	County of Hawaiiqualifying contributions that
12			in the aggregate, exceed \$; and
13		(C)	County of Kauaiqualifying contributions that in
14			the aggregate, exceed \$;
15	(5)	For	the office of county councilfor each respective
16		coun	ty:
17		(A)	County of Honoluluqualifying contributions that
18			in the aggregate, exceed \$;
19		<u>(B)</u>	County of Hawaiiqualifying contributions that
20			in the aggregate, exceed \$;
21		<u>(C)</u>	County of Mauiqualifying contributions that in
22			the aggregate, exceed \$; and

1		(D) County of Kauaiqualifying contributions that in
2		the aggregate, exceed \$;
3	(6)	For the office of state senatorqualifying
4		contributions that, in the aggregate, exceed
5		\$; and
6	<u>(7)</u>	For the office of state representativequalifying
7		contributions that, in the aggregate, exceed \$3,000.
8	<u>(c)</u>	Under public funding step 3, as a condition of
9	receiving	public funds for a primary or general election, a
10	candidate	shall not be unopposed in any election for which
11	public fur	nds are sought, shall have filed an affidavit with the
12	commission	n pursuant to section 11-208 to voluntarily limit the
13	candidate	's campaign expenditures, and shall be in receipt of
14	the follow	wing sum of qualifying campaign contributions from
15	<u>individua</u>	l residents of Hawaii, as follows:
16	<u>(1)</u>	For the office of governorqualifying contributions
17		that in the aggregate, exceed \$;
18	(2)	For the office of lieutenant governorqualifying
19		contributions that in the aggregate, exceed
20		\$;
21	<u>(3)</u>	For the office of mayor for each respective county:

1		(A)	County of Honoluluqualifying contributions that
2			in the aggregate, exceed \$;
3		<u>(B)</u>	County of Hawaiiqualifying contributions that
4			in the aggregate, exceed \$;
5		(C)	County of Mauiqualifying contributions that in
6			the aggregate, exceed \$; and
7		(D)	County of Kauaiqualifying contributions that in
8			the aggregate, exceed \$;
9	(4)	For	the office of prosecuting attorney for each
10		resp	ective county:
11		(A)	County of Honoluluqualifying contributions that
12			in the aggregate, exceed \$;
13		(B)	County of Hawaiiqualifying contributions that
14			in the aggregate, exceed \$; and
15		(C)	County of Kauaiqualifying contributions that in
16			the aggregate, exceed \$;
17	<u>(5)</u>	For	the office of county councilfor each respective
18		coun	ty:
19		(A)	County of Honoluluqualifying contributions that
20			in the aggregate, exceed \$;
21		(B)	County of Hawaiiqualifying contributions that
22			in the aggregate, exceed \$;

1		(C) County of Mauiqualifying contributions that in
2		the aggregate, exceed \$; and
3		(D) County of Kauaiqualifying contributions that in
4		the aggregate, exceed \$;
5	(6)	For the office of state senatorqualifying
6		contributions that, in the aggregate, exceed
7		\$; and
8	(7)	For the office of state representativequalifying
9		contributions that, in the aggregate, exceed \$1,250.
10	<u>(d)</u>	Under public funding step 4, as a condition of
11	receiving	public funds for a primary or general election, a
12	candidate	for the house of representatives shall be in receipt
13	of two hur	ndred fifty signatures and qualifying contributions and
14	meet other	r requirements as provided under this chapter."
15	SECT	ION 5. Section 11-220, Hawaii Revised Statutes, is
16	amended to	read as follows:
17	"§11·	-220 Eligibility for payments. (a) To be eligible to
18	receive pa	ayments under section 11-217, a candidate shall in
19	writing:	
20	(1)	Agree to obtain and furnish to the commission any
21		evidence of the campaign expenses of such candidate
22		which the commission may request;

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1	(2)	Agree to keep and furnish records, books, and other
2		information which the commission may request; and
3	(3)	Agree to an audit and examination by the commission
4		under section 11-225 and to pay any amounts required
5		to be paid pursuant to that section.
6	(b)	To be eligible to receive payments pursuant to section
7	11-217, a	candidate shall certify to the commission that:
8	(1)	The candidate and all committees authorized by the
9		candidate shall not incur campaign expenses in excess
10		of the expenditure limitations imposed by section
11		11-209;
12	(2)	The candidate has qualified to be on the election
13		ballot in a primary or general election;
14	(3)	The candidate has filed a statement of intent to seek
15		qualifying contributions. A contribution received
16		before the filing of a statement of intent to seek
17		public funds shall not be considered a qualifying
18		contribution;
19	(4)	[The] For public funding steps 1, 2, and 3, the
20		candidate or committee authorized by the candidate has
21		received the qualifying sum of private contributions

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1	for	the	office	sought	by	the	candidate	as	set	forth	in
2	sect	ion	11-219;	and							

- 3 (5) [The] Under public funding step 1, the aggregate of contributions certified with respect to any person 4 under paragraph (4) does not exceed \$100. Under 5 6 public funding step 2, the aggregate of contributions 7 certified with respect to any person under paragraph 8 (4) does not exceed \$50. For public funding step 3, 9 the contributions certified with respect to any person 10 under paragraph (4) does not exceed \$10 and all 11 qualifying contributions must be made by residents of 12 the candidate's district.
 - (c) Each candidate and candidate's committee in receipt of qualifying campaign contributions which may be taken into account for purposes of public funding shall maintain, on a form prescribed by the commission, records which show the date and amount of each qualifying campaign contribution and the full name and mailing address of the person making the contribution. The candidate and all committees authorized by the candidate shall transmit to the commission all reports with respect to these contributions that the commission may require.

1	(d) Under public funding step 4, the requirements for
2	eligibility for payments shall be as provided in this chapter."
3	SECTION 6. Section 11-221, Hawaii Revised Statutes, is
4	amended to read as follows:
5	"§11-221 Entitlement to payments. (a) [A] Under public
6	funding steps 1 and 2, a candidate shall obtain the minimum
7	amount of qualifying contributions set forth in section 11-219,
8	once for the election period. After the candidate obtains the
9	minimum amount of qualifying campaign contributions, the
10	candidate shall be entitled to receive for each election that
11	the candidate's name appears on the ballot:
12	(1) The minimum payment in an amount equal to the
13	qualifying campaign contributions; and
14	(2) Payments of \$1 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 pursuant
19	to section 11-218; provided further that the candidate shall not
20	receive public funds for a primary election if the candidate
21	does not obtain the minimum amount of qualifying contributions
22	before the date of the primary election.

1 (b) Under public funding step 3, a candidate shall obtain 2 the minimum amount of qualifying contributions set forth in 3 section 11-219, once for the election period. After the 4 candidate obtains the minimum amount of qualifying campaign contributions, the candidate shall be entitled to receive a lump 5 6 sum payment of the maximum amount of public funds available to a 7 candidate pursuant to section 11-218 for each election that the 8 candidate's name appears on the ballot; provided that the 9 candidate shall not receive public funds for a primary election 10 if the candidate does not obtain the minimum amount of 11 qualifying contributions before the date of the primary 12 election. 13 [\(\frac{(b)}{a}\)] (c) A candidate shall have at least one other 14 qualified candidate as an opponent for the primary or general 15 election to receive public funds for that election. 16 (d) Under public funding step 4, a candidate who qualifies 17 shall be entitled to receive a lump sum payment of the base 18 amount of public funds plus equalizing funds if needed, as 19 provided in this chapter." 20 SECTION 7. Section 11-222, Hawaii Revised Statutes, is

amended to read as follows:

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         "§11-222 Candidate funding; application. (a)
                                                         Application
    forms for public funds shall be adopted by the commission and
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    shall provide for a sworn statement by the candidate that the
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    candidate has established eligibility under section 11-220 to
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    receive payments under section 11-217. [Each] Under public
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    funding step 1, each application shall be accompanied by a
    qualifying campaign contribution statement or statements, and
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    shall be filed with the commission no later than thirty days
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    after the general election. Under public funding step 2, each
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    application shall be accompanied by a qualifying campaign
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    contribution statement or statements, and shall be filed with
    the commission no later than thirty days prior to the election
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    for which the candidate is seeking funds. Under public funding
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    step 3, each application shall be accompanied by a qualifying
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    campaign contribution statement or statements, and shall be
    filed with the commission no later than forty-five days prior to
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    the election for which the candidate is seeking funds. Under
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    public funding step 4, candidates shall submit applications as
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    provided in this chapter.
              Upon approval by the commission of the application and
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    qualifying contribution statement, the commission shall direct
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    the comptroller to distribute matching public funds up to the
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- 1 maximum of the amount of public funds to which the candidate is
- 2 entitled.
- 3 Public funds shall be distributed by the comptroller to
- 4 each eligible candidate within twenty days from the date of the
- 5 candidate's initial application with the commission.
- 6 [\(\frac{\text{(b)}}{\text{-}}\)] (c) Each candidate in receipt of the qualifying sum
- 7 of contributions established for the candidate's office may
- 8 apply to the commission for public funding after the candidate
- 9 has become a candidate in a primary or general election.
- 10 [(c)] (d) The commission shall make additional
- 11 certifications within two weeks after receiving an application
- 12 and supplemental contribution statement from an eligible
- 13 candidate who requests additional public funding pursuant to
- 14 section 11-221.
- 15 [-(d)] (e) Initial certification by the commission under
- 16 subsection (a) and all determinations made by the commission
- 17 under this section are final and conclusive, except to the
- 18 extent they are subject to examination and audit by the
- 19 commission under section 11-225."
- 20 SECTION 8. In codifying this Act, the revisor of statutes
- 21 shall substitute appropriate section numbers for the letter
- 22 designations used in section 1.



- 1 SECTION 9. Statutory material to be repealed is bracketed
- 2 and stricken. New statutory material is underscored.
- 3 SECTION 10. This Act shall take effect on July 1, 2007,
- 4 and shall apply to the primary and general elections of 2008.

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INTRODUCED BY:

Report Title:

Publicly Funded Elections; Steps

Description:

Provides for levels of public funding for campaigns.