

---

---

# A BILL FOR AN ACT

RELATING TO PUBLICLY FUNDED ELECTIONS.

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

1           SECTION 1. The legislature finds that the Hawaii election  
2 campaign fund was established pursuant to article II, section 5,  
3 of the Hawaii State Constitution to provide funds for the  
4 partial public financing of campaigns for public offices of the  
5 State and its political subdivisions. Candidates who  
6 voluntarily choose to participate in the partial public funding  
7 program agree to limit their campaign expenditures in exchange  
8 for public funds to conduct a campaign. The goal of these types  
9 of programs is to reduce the role of large amounts of private  
10 money raised in political campaigns and the obligations that are  
11 or can appear to be associated with these contributions.

12           The legislature further finds that Hawaii's partial public  
13 funding program has been used less frequently in recent election  
14 years. In the 2016 election cycle, only twenty-eight candidates  
15 qualified to receive public funds for a total of \$234,864, which  
16 is about half the number of participants and public funds  
17 provided in 1998, the peak of the program's usage. The partial



1 public funding program does not currently provide sufficient  
2 financial incentives for candidates to adequately compete  
3 against candidates who conduct privately-funded campaigns, and  
4 the amounts are not regularly increased to reflect inflation or  
5 cost of living increases.

6 The purpose of this Act is to make the partial public  
7 funding program a viable option for candidates seeking office in  
8 an election with no incumbent by increasing:

- 9 (1) The expenditure limit to double the amount allowed for  
10 in elections with an incumbent;
- 11 (2) The maximum amount of public funds available to a  
12 participating candidate;
- 13 (3) The maximum amount of qualifying contributions from  
14 \$100 to \$200 per contributor; and
- 15 (4) The matching contribution amount from the State from  
16 \$1 for each \$1 of qualifying contributions to \$2 for  
17 each \$1 of qualifying contributions.

18 SECTION 2. Section 11-423, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 **"§11-423 Voluntary expenditure limits; filing affidavit.**

21 (a) Any candidate may voluntarily agree to limit the



1 candidate's expenditures and those of the candidate's candidate  
2 committee or committees and the candidate's party on the  
3 candidate's behalf by filing an affidavit with the campaign  
4 spending commission.

5 (b) The affidavit shall state that the candidate knows the  
6 voluntary campaign expenditure limitations as set out in this  
7 part and that the candidate is voluntarily agreeing to limit the  
8 candidate's expenditures and those made on the candidate's  
9 behalf by the amount set by law. The affidavit shall be  
10 subscribed to by the candidate and notarized and filed no later  
11 than the time of filing nomination papers with the chief  
12 election officer or county clerk.

13 (c) The affidavit shall remain effective until the  
14 termination of the candidate committee or the opening of filing  
15 of nomination papers for the next succeeding election, whichever  
16 occurs first. An affidavit filed under this section may not be  
17 rescinded.

18 (d) From January 1 of the year of any primary, special, or  
19 general election, the aggregate expenditures for each election  
20 by a candidate who voluntarily agrees to limit campaign  
21 expenditures, inclusive of all expenditures made or authorized



1 by the candidate alone, all treasurers, the candidate committee,  
2 and noncandidate committees on the candidate's behalf, shall not  
3 exceed the following amounts expressed, respectively multiplied  
4 by the number of voters in the last preceding general election  
5 registered to vote in each respective voting district:

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

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

8 (3) For the office of mayor - \$2.00;

9 (4) For the offices of state senator, state  
10 representative, county council member, and prosecuting  
11 attorney - \$1.40; and

12 (5) For all other offices - 20 cents[-]i;

13 provided that for a candidate seeking office in an election with  
14 no incumbent, the aggregate expenditures for each election shall  
15 not exceed double the amounts listed in this section.

16 (e) For the purposes of this section, "incumbent" means a  
17 person who holds an elected office that represents any part of a  
18 district at any level except membership on a neighborhood  
19 board."

20 SECTION 3. Section 11-425, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "§11-425 Maximum amount of public funds available to  
2 candidate. (a) The maximum amount of public funds available in  
3 each election to a candidate for the office of governor,  
4 lieutenant governor, or mayor shall not exceed ten per cent of  
5 the expenditure limit established in section 11-423(d) for each  
6 election[-]; provided that for a candidate seeking such office  
7 in an election with no incumbent, the maximum amount of public  
8 funds available in each election shall not exceed twenty per  
9 cent of the expenditure limit for each election.

10           (b) The maximum amount of public funds available in each  
11 election to a candidate for the office of state senator, state  
12 representative, county council member, and prosecuting attorney  
13 shall not exceed fifteen per cent of the expenditure limit  
14 established in section 11-423(d) for each election[-]; provided  
15 that for a candidate seeking such office in an election with no  
16 incumbent, the maximum amount of public funds available in each  
17 election shall not exceed thirty per cent of the expenditure  
18 limit for each election.

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



1 (d) For all other offices, the maximum amount of public  
2 funds available to a candidate shall not exceed \$100 in any  
3 election year.

4 (e) Each candidate who qualified for the maximum amount of  
5 public funding in any primary election and who is a candidate  
6 for a subsequent general election shall apply with the  
7 commission to be qualified to receive the maximum amount of  
8 public funds as provided in this section for the respective  
9 general election. For purposes of this section, "qualified"  
10 means meeting the qualifying campaign contribution requirements  
11 of section 11-429.

12 (f) For the purposes of this section, "incumbent" has the  
13 same meaning as in section 11-423."

14 SECTION 4. Section 11-428, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "[+]§11-428[+] Eligibility requirements for public funds.

17 (a) In order to be eligible to receive public funds for an  
18 election, a candidate shall certify that the candidate will meet  
19 all the following requirements:

20 (1) The candidate and any candidate committee authorized  
21 by the candidate shall not incur campaign expenses in



- 1 excess of the expenditure limitations imposed by  
2 section 11-423;
- 3 (2) The candidate has qualified to be on the election  
4 ballot in a primary or general election;
- 5 (3) The candidate has filed a statement of intent to seek  
6 qualifying contributions. A contribution received  
7 before the filing of a statement of intent to seek  
8 public funds shall not be considered a qualifying  
9 contribution;
- 10 (4) The candidate or candidate committee authorized by the  
11 candidate has received the minimum qualifying  
12 contribution amounts for the office sought by the  
13 candidate as set forth in section 11-429;
- 14 (5) The aggregate of contributions certified with respect  
15 to any person under paragraph (4) does not exceed  
16 \$100; provided that the aggregate of contributions  
17 certified with respect to any person seeking an office  
18 in an election with no incumbent under paragraph (4)  
19 does not exceed \$200;



- 1           (6) The candidate agrees to obtain and furnish any  
2           evidence relating to expenditures that the commission  
3           may request;
- 4           (7) The candidate agrees to keep and furnish records,  
5           books, and other information that the commission may  
6           request;
- 7           (8) The candidate agrees to an audit and examination by  
8           the commission pursuant to section 11-434 and to pay  
9           any amounts required to be paid pursuant to that  
10          section; and
- 11          (9) Each candidate and candidate committee in receipt of  
12          qualifying contributions that may be taken into  
13          account for purposes of public funding shall maintain,  
14          on a form prescribed by the commission, records that  
15          show the date and amount of each qualifying  
16          contribution and the full name and mailing address of  
17          the person making the contribution. The candidate and  
18          the candidate committee authorized by the candidate  
19          shall transmit to the commission all reports with  
20          respect to these contributions that the commission may  
21          require.





1        (b) For the purposes of this section, "incumbent" has the  
2 same meaning as in section 11-423."

3        SECTION 5. Section 11-429, Hawaii Revised Statutes, is  
4 amended to read as follows:

5        "[+]§11-429[+] **Minimum qualifying contribution amounts;**  
6 **qualifying contribution statement.** (a) 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 funds are sought, shall have filed an affidavit with the  
10 commission pursuant to section 11-423 to voluntarily limit the  
11 candidate's campaign expenditures, and shall be in receipt of  
12 the following sum of qualifying contributions from individual  
13 residents of Hawaii:

14        (1) For the office of governor – qualifying contributions  
15            that in the aggregate exceed \$100,000;

16        (2) For the office of lieutenant governor – qualifying  
17            contributions that in the aggregate exceed \$50,000;

18        (3) For the office of mayor for each respective county:

19            (A) County of Honolulu – qualifying contributions  
20                    that in the aggregate exceed \$50,000;



- 1 (B) County of Hawaii – qualifying contributions that
- 2 in the aggregate exceed \$15,000;
- 3 (C) County of Maui – qualifying contributions that in
- 4 the aggregate exceed \$10,000; and
- 5 (D) County of Kauai – qualifying contributions that
- 6 in the aggregate exceed \$5,000;
- 7 (4) For the office of prosecuting attorney for each
- 8 respective county:
- 9 (A) County of Honolulu – qualifying contributions
- 10 that in the aggregate exceed \$30,000;
- 11 (B) County of Hawaii – qualifying contributions that
- 12 in the aggregate exceed \$10,000; and
- 13 (C) County of Kauai – qualifying contributions that
- 14 in the aggregate exceed \$5,000;
- 15 (5) For the office of county council – for each respective
- 16 county:
- 17 (A) County of Honolulu – qualifying contributions
- 18 that in the aggregate exceed \$5,000;
- 19 (B) County of Hawaii – qualifying contributions that
- 20 in the aggregate exceed \$1,500;



1 (C) County of Maui – qualifying contributions that in  
2 the aggregate exceed \$5,000; and

3 (D) County of Kauai – qualifying contributions that  
4 in the aggregate exceed \$3,000;

5 (6) For the office of state senator – qualifying  
6 contributions that, in the aggregate exceed \$2,500;

7 (7) For the office of state representative – qualifying  
8 contributions that, in the aggregate, exceed \$1,500;

9 (8) For the office of Hawaiian affairs – qualifying  
10 contributions that, in the aggregate, exceed \$1,500;  
11 and

12 (9) For all other offices, qualifying contributions that,  
13 in the aggregate, exceed \$500.

14 (b) A candidate shall obtain the minimum qualifying  
15 contribution amount set forth in subsection (a) once for the  
16 election period.

17 (1) If the candidate obtains the minimum qualifying  
18 contribution amount, the candidate is eligible to  
19 receive:

20 (A) The minimum payment in an amount equal to the  
21 minimum qualifying contribution amounts[+] or,



1           for a candidate seeking office in an election  
2           with no incumbent, an amount equal to double the  
3           minimum qualifying contribution amounts; and

4           (B) Payments of \$1 for each \$1 of qualifying  
5           contributions in excess of the minimum qualifying  
6           contribution amounts[+] or, for a candidate  
7           seeking office in an election with no incumbent,  
8           payments of \$2 for each \$1 of qualifying  
9           contributions in excess of the minimum qualifying  
10           contribution amounts; and

11           (2) A candidate shall have at least one other qualified  
12           candidate as an opponent for the primary or general  
13           election to receive public funds for that election.

14           (c) The candidate shall not receive more than the maximum  
15           amount of public funds available to a candidate pursuant to  
16           section 11-425; provided that the candidate shall not receive  
17           public funds for a primary election if the candidate does not  
18           obtain the minimum qualifying contribution amounts before the  
19           date of the primary election.

20           (d) For the purposes of this section, "incumbent" has the  
21           same meaning as in section 11-423."



1 SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval.



**Report Title:**

Partial Public Funding Program; Expenditure Limits; Qualifying Contributions

**Description:**

Increases for candidates seeking office in an election with no incumbent, under the partial public funding program: the expenditure limit to one hundred forty per cent of the median expenditures received by non-publicly financed candidates in the respective voting district in the last preceding general election; the maximum amount of public funds available to a participating candidate; the maximum amount of qualifying contributions; and the matching contribution amount from the State for qualifying contributions. (SD1)

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

