

JAN 25 2006

A BILL FOR AN ACT

RELATING TO CAMPAIGN SPENDING.

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

- 1 SECTION 1. The legislature finds and declares that:
- 2 (1) The pervasive and expanding influence of private
- 3 contributions and expenditures on public elections in
- 4 the State of Hawaii undermines democracy and the
- 5 rights of all Hawaii citizens to vote for the
- 6 candidate of their choice and to enjoy equal and
- 7 meaningful participation in the democratic process,
- 8 rights that are guaranteed by the First and Fourteenth
- 9 Amendments to the United States Constitution as well
- 10 as sections 1, 2, 4, and 8 of article I of the state
- 11 constitution;
- 12 (2) Candidates for statewide office who lack access to
- 13 personal wealth or wealthy donors are precluded from
- 14 running a competitive campaign, because their voices
- 15 are drowned out by those who can afford to saturate
- 16 their constituents with television, radio, and other
- 17 expensive mass-media communications, the indispensable



1 instruments of effective political speech in the
2 modern age;

3 (3) Over recent years, private contributions to statewide
4 campaigns and independent expenditures made to
5 influence statewide campaigns have increased greatly.
6 This dramatic influx of private money, coupled with
7 recent high-profile law enforcement investigations and
8 prosecutions of campaign finance abuses have
9 undermined the public's confidence in the political
10 process and fueled the public perception of corruption
11 in Hawaii state politics;

12 (4) The dominance of private funding in state elections
13 also burdens candidates and elected officials with the
14 incessant rigors of fundraising and decreases the time
15 available to carry out their public responsibilities.
16 Further, private funding creates a danger of actual
17 corruption by compelling elected officials to accept
18 money from private interests that are directly
19 affected by governmental actions; and

20 (5) The State's existing system of partial public funding
21 for campaigns has not created a viable alternative to
22 private sources of funding. Only nine per cent of



1 candidates statewide participated in the partial
2 public funding system in the 2004 election, in part,
3 because the available partial public funding is
4 insufficient to run a competitive campaign.

5 The State has compelling interests in preserving the
6 integrity of its democratic system, promoting an open and robust
7 debate on public issues, and protecting the constitutional
8 rights of its citizens. To serve these compelling interests,
9 the legislature finds and declares that it is essential to
10 provide comprehensive public funding to candidates seeking
11 election to the state house of representatives who voluntarily
12 agree to abide by campaign contribution and expenditure limits
13 and meet other criteria.

14 It is the purpose of this Act to create a comprehensive
15 public funding system that will offer a viable and competitive
16 alternative to private funding sources, thereby substantially
17 reducing or eliminating the deleterious effects of private
18 financing.

19 SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended
20 by adding a new subpart C to part XII to read as follows:

21 "C. COMPREHENSIVE PUBLIC FUNDING FOR ELECTIONS
22 TO THE HOUSE OF REPRESENTATIVES



1 **§11-A Definitions.** When used in this subpart, unless the
2 context clearly requires otherwise:

3 "Candidate" means an individual who seeks nomination for
4 election or seeks election to the state house of
5 representatives, and who meets the criteria of section 11-C.

6 "Candidate's committee" means a committee, as defined in
7 section 11-191, that makes an expenditure or accepts a
8 contribution on behalf of a candidate for nomination for
9 election, or reelection, to the state house of representatives,
10 with the candidate's authorization.

11 "Certification for comprehensive public funding" means the
12 decision by the commission that a candidate is certified to
13 receive public funding in accordance with this subpart.

14 "Certified candidate" or "comprehensive publicly funded
15 candidate" means a participating candidate who is certified by
16 the commission as eligible for comprehensive public funding
17 under this subpart and who agrees to abide by the requirements
18 of this subpart.

19 "Commission" shall be as defined in section 11-191.

20 "Committee" shall be as defined in section 11-191.

21 "Contested election" means, in a primary election, the
22 certified candidate is opposed by one or more candidates for the



1 nomination and, in a general election, the certified candidate
2 is opposed by one or more candidates for election to the office.

3 "Contribution" shall be as defined in section 11-191.

4 "Declaration of intent to seek comprehensive public
5 funding" means the form completed by a participating candidate
6 and the filing of which triggers the participating candidate's
7 ability to begin collecting qualifying contributions.

8 "District" means a state house of representatives district,
9 as established in accordance with article III, section 3, of the
10 Constitution of the State of Hawaii.

11 "Election period" shall be as defined in section 11-191.

12 "Equalizing funds" means additional public funds released
13 by the commission to a comprehensive publicly funded candidate
14 to allow the publicly funded candidate to stay financially
15 competitive with a nonparticipating candidate in a contested
16 election.

17 "Excess expenditure" means the amount of comprehensive
18 public funds spent or obligated to be spent by a comprehensive
19 publicly funded candidate in excess of one hundred per cent of
20 the allocated funds for a primary election, general election, or
21 both.

22 "Expenditure" shall be as defined in section 11-191.



1 "General election campaign period" means the period
2 beginning the day after the primary election and ending two
3 weeks after a general election.

4 "General election year" means the period commencing
5 January 1 of an even-numbered year in which a general election
6 is held and ending two weeks after the general election.

7 "Hawaii election campaign fund" shall be as defined in
8 section 11-217.

9 "Immediate family" shall be as defined in section 11-191.

10 "Independent expenditure" means an expenditure by a
11 noncandidate committee, party, or any other person for a
12 communication that expressly advocates the nomination, election,
13 or defeat of a clearly identified certified candidate or
14 nonparticipating candidate and that is not made in concert or
15 cooperation with or as part of any coordinated activity or at
16 the request or suggestion of the certified candidate or
17 nonparticipating candidate, a candidate's committee, or their
18 agents. For the purposes of this definition, "clearly
19 identified" means that the name, likeness, photograph, or
20 drawing of the certified candidate or nonparticipating candidate
21 is used, or the identity of the certified candidate or
22 nonparticipating candidate is apparent by unambiguous reference.



1 "Individual" shall be as defined in section 11-191.

2 "Loan" shall be as defined in section 11-191.

3 "Noncandidate committee" shall be as defined in section
4 11-191.

5 "Nonmonetary contribution" means a contribution other than
6 of money that may include goods or services.

7 "Nonparticipating candidate" means a candidate who does not
8 qualify for or receive public funding during an election period
9 and is involved in a contested election with a certified
10 participating candidate.

11 "Participating candidate" means a candidate who is seeking
12 certification for comprehensive public funding under this
13 subpart.

14 "Party" shall be as defined in section 11-191.

15 "Person" shall be as defined in section 11-191.

16 "Primary election campaign period" means the period in a
17 primary election year beginning with the certification for
18 comprehensive public funding under this subpart and ending two
19 weeks after the primary election.

20 "Public funding" or "public funds" means campaign funds
21 from the Hawaii election campaign fund received by an eligible
22 candidate pursuant to subpart B or this subpart.



1 "Qualifying contribution" means a \$ monetary
2 contribution made to a participating candidate for purposes of
3 meeting the criteria of section 11-G.

4 "Qualifying period" means the period in a general election
5 year, beginning January 1 and ending on the deadline for filing
6 candidate nomination papers to run in the primary election of a
7 general election year during which a candidate may collect
8 qualifying campaign contributions to qualify for comprehensive
9 public funding under this subpart; provided the commission has
10 determined that the Hawaii election campaign fund has sufficient
11 funds to make payments to comprehensive publicly funded
12 candidates during the election period.

13 "Seed money" means contributions made to a participating
14 candidate by a person in accordance with section 11-D that shall
15 be expended for the purpose of determining campaign viability.

16 "Surplus campaign funds" means any campaign contributions
17 not spent during a prior election period by a participating
18 candidate who previously sought election as a privately funded
19 candidate.

20 Except for terms that are specifically defined in this
21 subpart, terms that are defined under subpart B shall apply to
22 this subpart.



1 **§11-B Sufficiency of funding for comprehensive public**
2 **funding.** On September 1 of each odd-numbered year before a
3 general election year, the commission shall determine whether
4 there is a minimum of \$ in the Hawaii election campaign
5 fund to certify participating candidates during the next
6 election and provide funding for comprehensive public funding
7 for elections under this subpart.

8 If the commission determines that there is sufficient
9 funding, then within five business days, the commission shall
10 publish notice statewide, pursuant to section 1-28.5, that the
11 comprehensive public funding program shall become effective on
12 January 1 of the following year. If there is insufficient
13 funding, then this subpart shall be inoperative.

14 If this subpart is inoperative, candidates may seek public
15 funding as provided under subpart B.

16 **§11-C Qualifications for comprehensive public funding.**

17 (a) A candidate may seek comprehensive public funding for the
18 primary election campaign period if the candidate:

- 19 (1) Resides in the district from which election is sought
20 as of the date of the filing of nomination papers for
21 the primary election in the general election year in
22 which the candidate seeks to be nominated or elected;



- 1 (2) Is a registered voter in the district from which
- 2 election is sought;
- 3 (3) Files a declaration of intent to seek comprehensive
- 4 public funding with the commission between January 1
- 5 of the election year and thirty days before the
- 6 closing date to file nomination papers to run for
- 7 office for which the candidate intends to seek
- 8 election;
- 9 (4) Collects a \$ district qualifying contribution
- 10 in accordance with section 11-F;
- 11 (5) Accepts only the following contributions prior to
- 12 applying for certification as a comprehensive publicly
- 13 funded candidate:
- 14 (A) Seed money contributions until the candidate
- 15 files a declaration of intent to seek
- 16 comprehensive public funding; and
- 17 (B) Qualifying contributions that may be accepted
- 18 only after filing the declaration of intent to
- 19 seek comprehensive public funding; and
- 20 (6) Files an application for certification for
- 21 comprehensive public funding with the commission and a
- 22 declaration that the candidate has complied and will



1 comply with all of the requirements of this subpart,
2 as applicable.

3 (b) A candidate is qualified to seek comprehensive public
4 funding for the general election campaign period if the
5 candidate:

6 (1) Was certified as a comprehensive publicly funded
7 candidate during the primary election campaign period
8 immediately preceding the general election in which
9 the funds under this subpart are provided; and

10 (2) Received a sufficient number of votes to appear on the
11 ballot in the general election or is otherwise
12 certified by the office of elections to be placed on
13 the ballot in the general election.

14 **§11-D Seed money contributions; limitations on use of seed**
15 **money; penalties.** (a) The use of seed money shall be limited
16 to expenditures necessary to determine whether sufficient
17 support exists for a participating candidate to run for office
18 as a comprehensive publicly funded candidate.

19 (b) The amount of seed money retained or expended, or
20 both, by a candidate seeking eligibility for comprehensive
21 public funding for the state house of representatives shall not
22 exceed \$1,500.



1 (c) A participating candidate shall not accept
2 contributions of seed money from any person whose contributions
3 are prohibited under subpart B. All contributors whose seed
4 money has been accepted shall be issued a receipt by the
5 participating candidate.

6 (d) A participating candidate may use personal funds or
7 surplus campaign funds for seed money purposes, all of which
8 shall be subject to the \$1,500 limit, as applicable, in
9 subsection (b). Contributions of seed money from any single
10 source shall not exceed \$100, including in-kind contributions.

11 (e) Seed money shall only be spent prior to and during the
12 qualifying period and shall not be collected after the candidate
13 has filed the declaration to run. The candidate may spend seed
14 money only until the candidate is certified by the commission as
15 a comprehensive publicly funded candidate.

16 (f) Any unspent seed money shall be deducted from the
17 initial primary election distribution of a participating
18 comprehensive publicly funded candidate if the candidate becomes
19 a certified comprehensive publicly funded candidate and does not
20 donate excess seed money to the Hawaii election campaign fund.

21 **§11-E Restriction on use of surplus campaign funds.** A
22 comprehensive publicly funded candidate who has surplus campaign



1 funds from a previous election is prohibited from using those
2 funds. The surplus campaign funds shall be frozen and
3 maintained in a separate depository account from that
4 established for the comprehensive public funds under section
5 11-N. The comprehensive publicly funded candidate shall
6 continue to file reports on the surplus campaign funds in
7 accordance with subpart B or as otherwise may be required by the
8 commission.

9 **§11-F Qualifying campaign contributions.** (a) Each
10 qualifying campaign contribution shall meet the requirements of
11 this section. To be counted as a qualifying campaign
12 contribution, a contributor to a candidate for the state house
13 of representatives shall be a registered voter who resides
14 within the state house of representative district to which the
15 candidate seeks nomination or election at the time the
16 contribution is given. A contribution shall be made in an
17 amount and in a form as may be prescribed by the commission.

18 (b) No qualifying contribution shall be collected prior to
19 a candidate filing a declaration of intent to seek comprehensive
20 public funding with the commission.

21 (c) Any receipt for a qualifying campaign contribution
22 shall be made in a form as may be prescribed by the commission.



1 (d) All qualifying campaign contributions collected by
2 candidates, whether or not the candidate is certified, shall be
3 deposited into the Hawaii election campaign fund.

4 **§11-G Certification of qualification for comprehensive**
5 **public funds.** (a) Candidates seeking certification as a
6 comprehensive publicly funded candidate shall submit to the
7 commission an application for certification that contains at
8 least two hundred signatures and contributions for election to
9 office in the state house of representatives from registered
10 voters in the district for which the candidate seeks office no
11 later than thirty days prior to the primary election, signed by
12 the participating candidate and the participating candidate's
13 campaign treasurer under penalty of perjury.

14 (b) The application shall also include any information
15 deemed necessary and appropriate by the commission.

16 (c) The commission shall issue a decision to certify or
17 deny certification of a candidate as a comprehensive publicly
18 funded candidate within five business days following receipt of
19 the candidate's completed application for certification for
20 comprehensive public funds.

21 (d) After a participating candidate is certified as a
22 comprehensive publicly funded candidate, the candidate's



1 certification shall apply to both the primary and the general
2 election, even if the candidate is unopposed in the primary
3 election.

4 (e) A candidate who is not certified for comprehensive
5 public funding under this subpart may seek public funding under
6 the public funding program in subpart B.

7 **§11-H Comprehensive publicly funded candidates;**

8 **contributions and expenditures; penalties.** (a) Except as
9 authorized under section 11-K, a certified candidate shall
10 comply with the following restrictions on contributions and
11 expenditures.

12 (1) Upon certification for comprehensive public funding
13 and until the end of the general election period, a
14 comprehensive publicly funded candidate shall not
15 accept for use in the campaign:

16 (A) Contributions from any source; provided that the
17 candidate may accept in-kind contributions
18 aggregating less than \$ in any single
19 month from any single source;

20 (B) Loans from any person, including a certified
21 candidate;

22 (C) Contributions from political parties; and



- 1 (D) Any campaign material purchased or held from a
2 date prior to the declaration of intent to run
3 for office as a comprehensive publicly funded
4 candidate; and
- 5 (2) Upon certification for comprehensive public funding
6 and until the end of the general election period, a
7 comprehensive publicly funded candidate shall not
8 expend for campaign purposes:
- 9 (A) Any money except public funds issued by the
10 commission;
- 11 (B) Public funds for purposes other than those
12 permitted in this subpart;
- 13 (C) Public funds outside the applicable campaign
14 period for which the funding is allocated, except
15 for proper campaign debts incurred but not paid;
16 and
- 17 (D) Public funds in excess of the comprehensive
18 public funds allocated to the candidate,
19 including equalizing funds, or incur an
20 obligation or obligations to spend public funds
21 in excess of this amount.



1 (b) A certified candidate who accepts contributions in
2 violation of this section shall be subject to a fine equal to
3 three times the public funding received, in addition to any
4 other action, fines, or prosecution under section 11-P.

5 (c) A certified candidate who spends or incurs an
6 obligation to spend more than one hundred per cent of the public
7 funds allocated to the candidate under this subpart shall repay
8 to the Hawaii election campaign fund an amount equal to three
9 times the excess expenditures.

10 **§11-I Comprehensive publicly funded candidate; reporting.**

11 (a) A comprehensive publicly funded candidate and the certified
12 candidate's committee shall furnish complete campaign records,
13 including all records of nonmonetary contributions, seed money
14 contributions, qualifying campaign contributions to the
15 commission, and expenditures. A candidate shall fully cooperate
16 with any audit or examination by the commission.

17 (b) A comprehensive publicly funded candidate shall comply
18 with the reporting requirements of sections 11-194, 11-195,
19 11-196, 11-212, 11-213, and 11-224 in addition to those required
20 under this subpart or that may be required by the commission.

21 (c) The commission shall require that all certified
22 candidates file the reports required under this subpart in a



1 digital, electronic format specified by rules adopted by the
2 commission under chapter 91.

3 **§11-J Comprehensive publicly funded candidate; continuing**
4 **obligation.** (a) A certified candidate shall comply with all
5 requirements under this subpart through the general election
6 campaign period regardless of whether the certified candidate
7 maintains eligibility for comprehensive public funding in the
8 general election campaign period.

9 (b) Except for seed money contributions and qualifying
10 contributions, a certified candidate who is elected to the
11 office sought shall not accept private contributions from any
12 person, political party, or political action committee until
13 either September 1 of the next odd-numbered year following the
14 general election in which the candidate was last elected or the
15 date when the commission determines there are insufficient funds
16 under section 11-B, whichever occurs earlier.

17 (c) If a certified candidate withdraws from seeking the
18 nomination for or from the election, or has unspent public funds
19 after an election, all unencumbered funds received by the
20 candidate under this subpart shall be returned to the Hawaii
21 election campaign fund within ten days after the general
22 election.



1 **§11-K Amount of base public funding; disbursements;**
2 **sufficiency of public funding.** (a) For primary elections
3 subject to this subpart, the base amount of comprehensive public
4 funding shall be set at an average of the amount spent by the
5 winning candidates in the previous two state house of
6 representatives primary elections, statewide, reduced by twenty
7 per cent.

8 (b) For general elections subject to this subpart, the
9 base amount of comprehensive public funding shall be set at an
10 average of the amount spent by the winning candidates in the
11 previous two state house of representatives general elections,
12 statewide, reduced by twenty per cent.

13 (c) The base amount of public funding for an uncontested
14 primary election shall be thirty per cent of the amount provided
15 in a contested election as determined under subsection (a). No
16 funding shall be allocated in an uncontested general election.

17 (d) The commission shall disburse public funds by check or
18 electronic transfer.

19 (e) If the winning primary candidate has residual funds
20 from the primary election, those funds may be carried over to
21 the general election. A certified candidate who is not
22 successful in the primary election shall return all unspent and



1 unencumbered public funds to the Hawaii campaign election fund
2 within ten days after the primary election.

3 (f) The commission shall not distribute comprehensive
4 public funding to certified candidates that exceeds the total
5 amount of \$ for all candidates subject to this subpart
6 in any given election year in which this subpart is operative.

7 (g) Commencing January 1 of a general election year and
8 ending with the deadline to submit applications for
9 certification, the commission shall post on its website a
10 monthly report stating, by district, the number of declarations
11 of intent to seek comprehensive public funding received, the
12 number of applications for certification received, the number of
13 candidates who have been certified for comprehensive public
14 funding, the base amount committed to certified candidates, and
15 the amount available for additional certified candidates.

16 Notwithstanding any other provisions in this subpart, if
17 the commission determines that the revenues are insufficient to
18 meet distributions to certified candidates under this section,
19 the commission shall either permit certified candidates to
20 accept and spend contributions, subject to the campaign
21 contribution limitations set forth in section 11-204, up to the



1 applicable amounts, including equalizing funds the certified
2 candidate would have received from comprehensive public funding.

3 **§11-L Equalizing funds, sufficiency of funds.** (a) The
4 commission shall disburse equalizing funds to a certified
5 candidate in a contested election whenever any campaign report
6 filed pursuant to subpart B shows that the sum of an opposing
7 nonparticipating candidate and the nonparticipating candidate's
8 committee's expenditures or obligations, or campaign
9 contributions received or borrowed, whichever is greater, added
10 to any independent expenditures made in support of that
11 nonparticipating candidate or against the opposing certified
12 candidate reported by any noncandidate's committee, party, or
13 any other person exceeds one hundred per cent of the amount of
14 comprehensive public funding previously allotted and distributed
15 to the opposing certified candidate in a contested election,
16 including any equalizing funds previously distributed. The
17 equalizing funds shall constitute the amount necessary to
18 equalize the certified candidate's funds with the funds of the
19 nonparticipating candidate and the nonparticipating candidate's
20 committee's expenditures, obligations, or campaign contributions
21 received or borrowed, when added to any independent expenditures



1 made in support of that nonparticipating candidate or against
2 the certified candidate reported to the commission.

3 (b) Equalizing funds shall be limited to two hundred per
4 cent of the base amount of comprehensive public funding allotted
5 to the certified candidate in a contested election.

6 (c) In an uncontested primary election where a
7 comprehensive publicly funded candidate has a private funding
8 opponent from another party or an independent who spends above
9 the base allotment, the certified candidate shall receive
10 equalizing funds limited to two hundred per cent of the base
11 amount allotted.

12 (d) If the election will be decided in the primary
13 election, equalizing funds shall be limited to a maximum of
14 three hundred per cent of the base amount of comprehensive
15 public funding allotted to a certified candidate in a contested
16 election.

17 (e) The commission shall electronically transfer
18 equalizing funds to a certified candidate within twenty-four
19 hours of the filing with the commission of the report indicating
20 the certified candidate's entitlement to equalizing funds.

21 (f) Reporting obligations under this section for
22 nonparticipating candidates and their candidate's committees,



1 noncandidate committees, parties, or any other persons making
2 independent expenditures shall be in addition to the reporting
3 requirements under this chapter whenever a certified candidate
4 is opposed in a contested election by a nonparticipating
5 candidate as follows:

6 (1) Commencing forty-five days before the primary election
7 day, nonparticipating candidates and their candidate's
8 committees shall file an initial excess report with
9 the commission within twenty-four hours after
10 cumulative contributions received or expenditures are
11 made or committed to be made, including verbal
12 commitments, in an election period that exceeds one
13 hundred and one per cent of the base amount of
14 comprehensive public funding allotted to an opposing
15 certified candidate in a contested election.

16 Nonparticipating candidates and the candidate's
17 committees shall file supplemental excess reports
18 within twenty-four hours after any encumbrances or
19 expenditures that exceed \$ in aggregate; and

20 (2) Commencing forty-five days before the general election
21 day, noncandidate committees, parties, and any other
22 persons that incur independent expenditures that



1 expressly advocate the nomination, election, or defeat
2 of a certified candidate shall file an independent
3 expenditure report with the commission within twenty-
4 four hours when expenditures exceed \$ in
5 aggregate in an election period. Thereafter,
6 noncandidate committees, parties, and any other
7 persons that incur independent expenditures, including
8 verbal expenditure commitments, shall file
9 supplemental independent expenditure reports within
10 twenty-four hours whenever the aggregate expenditures
11 exceed \$100. The independent expenditure reports
12 shall identify the nonparticipating candidate or
13 certified candidate for whom the independent
14 expenditure is intended to influence the nomination,
15 election, or defeat.

16 (g) If a nonparticipating candidate and the candidate's
17 committee fails to file or files a false excess report or
18 supplemental excess reports as required under subsection (f),
19 the commission, within twenty-four hours of verifying the
20 failure or falsity, shall automatically disburse equalizing
21 funds to any opposing certified candidate up to the maximum
22 authorized under subsections (b) and (c).



1 (h) Any nonparticipating candidate and the candidate's
2 committee, noncandidate committee, party, or any other person
3 that makes independent expenditures in a contested election
4 involving a certified candidate who fails to file a report as
5 required under this subpart or files a false report shall be:

- 6 (1) Guilty of a misdemeanor;
- 7 (2) Subject to a fine of up to three times the amount of
8 equalizing funds paid to the certified candidate; and
- 9 (3) Subject to any other fine or penalty pursuant to
10 sections 11-228 and 11-229.

11 (i) Upon certification of all comprehensive publicly
12 funded candidates, if the commission determines there are
13 insufficient funds to meet the potential need for equalizing
14 funds for all certified candidates, the commission shall permit
15 each certified candidate to accept and spend private
16 contributions, subject to the campaign contribution limitations
17 set forth in section 11-204, up to the equalizing funds the
18 certified candidate would have received from comprehensive
19 public funding.

20 (j) The commission shall adopt rules under chapter 91 to
21 compute the amount of equalizing funds allotted to a certified
22 candidate that takes into consideration the contributions and



1 expenditures of the nonparticipating candidate and the
2 candidate's committee, and any independent expenditures incurred
3 to influence the nomination, election, or defeat of the
4 certified candidate. To prevent the abuse of equalizing funds,
5 the commission shall not base any calculation on independent
6 expenditures that, although containing words of express
7 advocacy, also contain other words or phrases that have no other
8 reasonable meaning other than to contradict the expressed
9 advocacy.

10 **§11-M Comprehensive public funding; permitted uses.** (a)

11 Comprehensive public funds shall be used only for the purpose of
12 defraying expenses that are directly related to the certified
13 candidate's campaign during the election campaign period for
14 which the comprehensive public funds are allocated.

15 (b) A candidate receiving funds under this subpart or the
16 candidate's campaign treasurer shall not transfer any portion of
17 the funds provided under this subpart to any other candidate for
18 another campaign.

19 **§11-N Deposit of and access to comprehensive public funds.**

20 (a) All public funds received by a certified candidate shall be
21 deposited directly into a depository institution as provided



1 under section 11-199(a) and accessed through use of credit
2 cards, debit cards, and bank checks.

3 (b) All reports required under subpart B and this subpart
4 for financial disclosure shall include the most recent bank
5 statement from the financial depository holding the public
6 funds.

7 **§11-0 Deposit of money into the Hawaii election campaign**
8 **fund.** In addition to the funds collected by the commission and
9 pursuant to section 11-217, the following moneys shall be
10 deposited into the Hawaii election campaign fund:

- 11 (1) Appropriations from the legislature;
- 12 (2) Moneys from tax remittances under section 237-31(3);
- 13 (3) Excess seed money contributions;
- 14 (4) Qualifying contributions, including any excess
15 qualifying contributions of certified candidates;
- 16 (5) Unspent public funds distributed to any certified
17 candidate;
- 18 (6) Fines levied by the commission for violation of this
19 subpart; and
- 20 (7) Voluntary donations.



1 **§11-P Violations; penalties.** Any candidate who knowingly
2 seeks or receives public funding in order to fraudulently
3 qualify for or receive public funding shall:

- 4 (1) Have the candidate's certification for comprehensive
5 public funding revoked. Upon revocation of
6 certification, the certified candidate shall repay all
7 public funds received within ten business days; and
- 8 (2) Be subject to fines and penalties as specifically
9 provided in this subpart and other fines or penalties
10 pursuant to sections 11-228 and 11-229.

11 **§11-Q Rules.** The commission shall adopt forms and rules
12 pursuant to chapter 91 as may be necessary to implement this
13 subpart, including reporting requirements of section 11-L and
14 any restrictions on petty cash expenditures by the certified
15 candidate."

16 SECTION 3. Section 11-191, Hawaii Revised Statutes, is
17 amended by amending the definition of "qualifying campaign
18 contribution" to read as follows:

19 ""Qualifying campaign contribution" means an aggregate
20 monetary contribution of \$100 or less, by any person during any
21 matching payment period[-] for purposes of entitlement to
22 payments under the partial public funding program pursuant to



1 section 11-221. Qualifying campaign contributions do not
2 include loans or in-kind contributions."

3 SECTION 4. Section 11-217, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§11-217 Hawaii election campaign fund; creation.** (a)

6 The Hawaii election campaign fund is created as a trust fund
7 within the state treasury. The fund shall consist of ~~[all]~~:

8 (1) All moneys collected from persons who have designated
9 a portion of their income tax liability to the fund as
10 provided in section 235-102.5~~[, any]~~;

11 (2) Any general fund revenues appropriated~~[, as well as~~
12 ~~all]~~;

13 (3) Moneys from tax remittances under section 237-31(3);
14 and

15 (4) All other moneys collected pursuant to this subpart.

16 (b) Payment to each candidate from the fund shall be by
17 the comptroller in the manner prescribed in section 11-222~~[,]~~ or
18 section 11-K, as appropriate.

19 (c) Moneys from this fund may also be used for the
20 operating expenses of the commission, including staff salaries
21 and fringe benefits."



1 SECTION 5. Section 11-217.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§11-217.5 Depletion of fund.** (a) The Hawaii election
4 campaign fund shall be under no obligation to provide moneys to
5 ~~[qualified]~~ eligible candidates in the partial public funding
6 program or comprehensive public funding for elections to the
7 state house of representatives in the event that moneys in that
8 fund have been depleted.

9 (b) ~~[In the event that]~~ For purposes of the partial
10 funding program, if the Hawaii election campaign fund is close
11 to depletion, as determined by the commission, the commission
12 shall determine the amounts available to ~~[qualified]~~ eligible
13 candidates based on their order of eligibility in qualifying for
14 partial public funds, as determined by the date of filing of an
15 application for public funds with the commission pursuant to
16 section 11-222; provided that the application has been accepted
17 by the commission.

18 (c) For purposes of the comprehensive public funding for
19 elections to the state house of representatives, if the Hawaii
20 election campaign fund is close to depletion, the commission
21 shall determine whether that program shall be operative in
22 accordance with subpart C."



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

3 "~~§11-218 [Candidate funding; amounts available.]~~ Partial
4 public funding program; maximum allowed. (a) Public funds from
5 the Hawaii election campaign fund are available to fund eligible
6 candidates who qualify for the partial public funding program in
7 the amounts set forth in this section.

8 [~~(a)~~] (b) For the office of governor, lieutenant governor,
9 or mayor, the maximum amount of partial public funds available
10 to a candidate in any election shall not exceed ten per cent of
11 the total expenditure limit as determined under section 11-209
12 for each election for each office listed in this subsection.

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

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



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

4 [~~(e)~~] (f) Each candidate who qualified for the maximum
5 amount of partial public funding in any primary election and who
6 is a candidate for a subsequent general election shall apply
7 with the commission to be qualified to receive the maximum
8 amount of public funds as provided in this section for the
9 respective election. For purposes of this section, "qualified"
10 means meeting the qualifying campaign contribution requirements
11 of section 11-219."

12 SECTION 7. Section 11-219, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§11-219 Qualifying campaign [~~+~~] for partial public**
15 **funding program; amounts.** As a condition of receiving partial
16 public funds for a primary or general election, a candidate
17 shall not be unopposed in any election for which partial public
18 funds are sought, shall have filed an affidavit with the
19 commission pursuant to section 11-208 to voluntarily limit the
20 candidate's campaign expenditures, and shall be in receipt of
21 the following sum of qualifying campaign contributions from
22 individual residents of Hawaii:



- 1 (1) For the office of governor--qualifying campaign
- 2 contributions that in the aggregate, exceed \$100,000;
- 3 (2) For the office of lieutenant governor--qualifying
- 4 campaign contributions that in the aggregate, exceed
- 5 \$50,000;
- 6 (3) For the office of mayor for each respective county:
- 7 (A) County of Honolulu--qualifying campaign
- 8 contributions that in the aggregate, exceed
- 9 \$50,000;
- 10 (B) County of Hawaii--qualifying campaign
- 11 contributions that in the aggregate, exceed
- 12 \$15,000;
- 13 (C) County of Maui--qualifying campaign contributions
- 14 that in the aggregate, exceed \$10,000; and
- 15 (D) County of Kauai--qualifying campaign
- 16 contributions that in the aggregate, exceed
- 17 \$5,000; and
- 18 (4) For the office of prosecuting attorney for each
- 19 respective county:
- 20 (A) County of Honolulu--qualifying campaign
- 21 contributions that in the aggregate, exceed
- 22 \$30,000;



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



1 (7) For the office of state representative--qualifying
2 campaign contributions that, in the aggregate, exceed
3 \$1,500;

4 (8) For the office of Hawaiian affairs--qualifying
5 campaign contributions that, in the aggregate, exceed
6 \$1,500; and

7 (9) For all other offices, qualifying campaign
8 contributions that, in the aggregate, exceed \$500."

9 SECTION 8. Section 11-220, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§11-220 **Eligibility for payments[-] under the partial**
12 **public funding program.** (a) To be eligible to receive
13 [~~payments under section 11-217,~~] partial public funding from the
14 Hawaii election campaign fund under section 11-221, a candidate
15 shall in writing:

16 (1) Agree to obtain and furnish to the commission any
17 evidence of the campaign expenses of [~~such~~] the
18 candidate [~~which~~] that the commission may request;

19 (2) Agree to keep and furnish records, books, and other
20 information [~~which~~] that the commission may request;
21 and



1 (3) Agree to an audit and examination by the commission
2 under section 11-225 and to pay any amounts required
3 to be paid pursuant to that section.

4 (b) To be eligible to receive [~~payments pursuant to~~
5 ~~section 11-217,~~] partial public funding from the Hawaii election
6 campaign fund in accordance with section 11-221, a candidate
7 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 campaign contributions. A contribution
16 received before the filing of a statement of intent to
17 seek partial public funds shall not be considered a
18 qualifying campaign contribution;

19 (4) The candidate or committee authorized by the candidate
20 has received the qualifying sum of private
21 contributions for the office sought by the candidate
22 as set forth in section 11-219; and



1 (5) The aggregate of contributions certified with respect
2 to any person under paragraph (4) does not exceed
3 \$100.

4 (c) Each candidate and candidate's committee in receipt of
5 qualifying campaign contributions [~~which~~] that may be taken into
6 account for purposes of partial public funding shall maintain,
7 on a form prescribed by the commission, records [~~which~~] that
8 show the date and amount of each qualifying campaign
9 contribution and the full name and mailing address of the person
10 making the contribution. The candidate and all committees
11 authorized by the candidate shall transmit to the commission all
12 reports with respect to these contributions that the commission
13 may require.

14 (d) No candidate certified for comprehensive public
15 funding under subpart C shall be eligible for partial public
16 funding under this subpart in a given election period."

17 SECTION 9. Section 11-221, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§11-221 Entitlement to [~~payments-~~] partial public**
20 **funding.** (a) A candidate shall obtain the minimum amount of
21 qualifying campaign contributions set forth in section 11-219,
22 once for the election period. After the candidate obtains the



1 minimum amount of qualifying campaign contributions, the
2 candidate shall be entitled to receive for each election that
3 the candidate's name appears on the ballot:

- 4 (1) The minimum payment in an amount equal to the
- 5 qualifying campaign contributions; and
- 6 (2) Payments of \$1 for each \$1 of qualifying contributions
- 7 in excess of the minimum amount of qualifying
- 8 contributions;

9 provided that the candidate shall not receive more than the
10 maximum amount of partial public funds available to a candidate
11 pursuant to section 11-218; provided further that the candidate
12 shall not receive partial public funds for a primary election if
13 the candidate does not obtain the minimum amount of qualifying
14 contributions before the date of the primary election.

15 (b) A candidate shall have at least one other qualified
16 candidate as an opponent for the primary or general election to
17 receive partial public funds for that election."

18 SECTION 10. Section 11-222, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§11-222 Candidate funding; application[-] for partial**
21 **public funds.** (a) Application forms for partial public funds
22 shall be adopted by the commission and shall provide for a sworn



1 statement by the candidate that the candidate has established
2 eligibility under section 11-220 to receive payments under
3 section 11-217. Each application shall be accompanied by a
4 qualifying campaign contribution statement or statements, and
5 shall be filed with the commission no later than thirty days
6 after the general election. Upon approval by the commission of
7 the application and qualifying contribution statement, the
8 commission shall direct the comptroller to distribute [~~matching~~]
9 partial public funds up to the maximum of the amount of partial
10 public funds to which the candidate is entitled.

11 [~~Public~~] Partial public funds shall be distributed by the
12 comptroller to each eligible candidate within twenty days from
13 the date of the candidate's initial application with the
14 commission.

15 (b) Each candidate in receipt of the qualifying sum of
16 campaign contributions established for the candidate's office
17 may apply to the commission for partial public funding after the
18 candidate has become a candidate in a primary or general
19 election. .

20 (c) The commission shall make additional certifications
21 within two weeks after receiving an application and supplemental



1 contribution statement from an eligible candidate who requests
2 additional partial public funding pursuant to section 11-221.

3 (d) Initial certification by the commission under
4 subsection (a) and all determinations made by the commission
5 under this section are final and conclusive, except to the
6 extent they are subject to examination and audit by the
7 commission under section 11-225."

8 SECTION 11. Section 11-223, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§11-223 Candidate funding; restrictions.** (a) Each
11 candidate who accepts partial public campaign funds under this
12 subpart shall be required to abide by the campaign spending
13 limits for the candidate's respective office as set forth in
14 section 11-209. Any candidate who exceeds the spending limits
15 for the candidate's respective office as set forth in section
16 11-209 shall immediately return all of the partial public
17 campaign funds the candidate has received to the Hawaii election
18 campaign fund.

19 (b) [~~Public~~] Partial public campaign funds provided under
20 this subpart shall only be used to:



1 (1) Defray campaign expenses incurred by and paid for an
2 eligible candidate or all committees authorized by
3 [~~such~~] the candidate; and

4 (2) Repay loans, the proceeds of which were used to defray
5 campaign expenses.

6 (c) No candidate or committee authorized by a candidate
7 shall be entitled to receive any partial public funds under this
8 subpart unless the candidate has qualified to have the
9 candidate's name on the election ballot in the election for
10 which funds are sought.

11 (d) In no event shall any candidate or campaign treasurer
12 in receipt of partial public campaign funds transfer any portion
13 of [~~such~~] those funds to another candidate for any primary,
14 special primary, special, or general election campaign.

15 (e) All partial public funds received under this subpart
16 shall be deposited in a financial institution designated to do
17 business in the State. No expenditures of any partial public
18 funds received under this subpart shall be made except by checks
19 drawn on such checking account. The commission may require such
20 reports relating to the expenditure of [~~such~~] partial public
21 funds as it considers appropriate.



1 (f) Each candidate, on the deadline for filing of a final
2 report for any primary or general election, shall return all
3 unexpended partial public funds to the Hawaii election campaign
4 fund."

5 SECTION 12. Section 11-224, Hawaii Revised Statutes, is
6 amended to read as follows:

7 **"§11-224 Public funds; report required; return of funds.**

8 The campaign treasurer of [~~the~~] any candidate who receives
9 public funds under either the partial public funding program or
10 the comprehensive public funding for elections to the state
11 house of representatives shall produce evidence to the
12 commission no later than twenty days after a primary election
13 and no later than thirty days after a general election that all
14 public funds paid to the candidate have been used as required by
15 this subpart.

16 Should the commission determine that any part of the
17 partial public funds have been used for noncampaign or improper
18 expenses, it shall report [~~such~~] its finding to the attorney
19 general and shall order the candidate to return all or part of
20 the funds paid to that candidate for a primary or general
21 election. When partial public funds are returned, [~~they~~] the
22 funds shall be deposited in the Hawaii election campaign fund."



1 SECTION 13. Section 11-225, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending its title and subsection (a) to read:

4 "~~§11-225 Public funds; examination and audit; payments[-];~~
5 penalties. (a) Within sixty days after each general election,
6 the commission shall conduct an examination and audit of all
7 public funds received by ~~[the]~~ any candidate ~~[and of]~~ who
8 received public funds under either the partial public funding
9 program or the comprehensive public funding for elections to the
10 state house of representatives, including the campaign
11 contributions used for purposes of qualifying for public funding
12 under ~~[this subpart]~~ subparts B and C, and the campaign expenses
13 incurred by all candidates who received ~~[payments]~~ public
14 funding pursuant to ~~[section 11-217.]~~ subparts B and C."

15 2. By amending subsections (c), (d), (e), and (f) to read:

16 "(c) Should the commission determine that any payment of
17 partial public funds made to an eligible candidate pursuant to
18 section 11-221 was in excess of the aggregate amount of payments
19 to which ~~[such]~~ the candidate was entitled, the commission shall
20 notify ~~[such]~~ the candidate and ~~[such]~~ the candidate shall pay
21 to the Hawaii election campaign fund a sum equal to the amount
22 of excess payment.



1 (d) If the commission determines that any amount of any
2 partial public funds made to a candidate under section 11-217
3 was used for any improper purpose, the commission shall so
4 notify the candidate, and the candidate shall pay to the fund an
5 amount equal to three hundred per cent of such amount.

6 (e) Any candidate who has received partial public funds
7 under section 11-217 and who is convicted of violating any
8 provision of this subpart shall, upon notification by the
9 commission, pay to the Hawaii election campaign fund the full
10 amount of public funds received by [~~such~~] the candidate.

11 (f) No notification shall be made by the commission under
12 subsection (c) with respect to the payment of excess partial
13 public funds more than two years after the payment of such
14 funds."

15 SECTION 14. Section 11-228, Hawaii Revised Statutes, is
16 amended as follows:

17 1. By amending subsection (a) to read:

18 "(a) . In the performance of its required duties, the
19 commission may render a decision or issue an order affecting any
20 person violating [~~any provision of this~~] subpart B or C, or
21 section 281-22 that shall provide for the assessment of an
22 administrative fine in the manner prescribed as follows:



- 1 (1) If a natural person, an amount not to exceed \$1,000
2 for each occurrence or an amount equivalent to three
3 times the amount of an unlawful contribution or
4 expenditure, whichever is greater; or
- 5 (2) If a corporation, organization, association, or labor
6 union, it shall be punished by a fine not exceeding
7 \$1,000 for each occurrence; and
- 8 (3) Whenever a corporation, organization, association, or
9 labor union violates [~~this subpart,~~] subpart B or C,
10 the violation shall be deemed to be also that of the
11 individual directors, officers, or agents of the
12 corporation, organization, association, or labor
13 union, who have knowingly authorized, ordered, or done
14 any of the acts constituting the violation."

15 2. By amending subsection (e) to read:

16 "(e) Any person or the commission may sue for injunctive
17 relief to compel compliance with [~~this subpart.~~] subparts B and
18 C."

19 SECTION 15. Section 11-229, Hawaii Revised Statutes, is
20 amended as follows:

21 1. By amending subsections (a) and (b) to read:



1 (a) Any person who knowingly, intentionally, or
2 recklessly violates [~~any provision of this~~] subpart B or C shall
3 be guilty of a misdemeanor. Any person who knowingly or
4 intentionally falsifies any report required by this subpart with
5 the intent to circumvent the law or deceive the commission or
6 who violates section 11-201 or 11-202 shall be guilty of a class
7 C felony. A person charged with a class C felony shall not be
8 eligible for a deferred acceptance of guilty plea or nolo
9 contendere plea under chapter 853. A person who is convicted
10 under this section shall be disqualified from holding elective
11 public office for a period of four years from the date of
12 conviction.

13 (b) For purposes of prosecution for violation of [~~this~~
14 ~~subpart,~~] subpart B or C, the offices of the attorney general
15 and the prosecuting attorney of the respective counties shall be
16 deemed to have concurrent jurisdiction to be exercised as
17 follows:

18 (1) Prosecution shall commence with a written request from
19 the commission or upon the issuance of an order of the
20 court; provided that prosecution may commence prior to
21 any proceeding initiated by the commission or final
22 determination;



1 (2) In the case of state offices, parties, or issues, the
2 attorney general or the prosecuting attorney for the
3 city and county of Honolulu shall prosecute any
4 violation; and

5 (3) In the case of all other offices, parties, or issues,
6 the attorney general or the prosecuting attorney for
7 the respective county shall prosecute any violation.

8 In the commission's choice of prosecuting agency, it shall
9 be guided by whether there will be any conflicting interest
10 between the agency and its appointive authority."

11 2. By amending subsection (d) to read:

12 "(d) Prosecution for violation of [~~any provision of this~~]
13 subpart B or C shall not be commenced after five years have
14 elapsed from the date of the violation or date of filing of the
15 report covering the period in which the violation occurred,
16 whichever is later."

17 SECTION 16. Section 237-31, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§237-31 Remittances.** All remittances of taxes imposed by
20 this chapter shall be made by money, bank draft, check,
21 cashier's check, money order, or certificate of deposit to the
22 office of the department of taxation to which the return was



1 transmitted. The department shall issue its receipts therefor
2 to the taxpayer and shall pay the moneys into the state treasury
3 as a state realization, to be kept and accounted for as provided
4 by law; provided that:

5 (1) The sum from all general excise tax revenues realized
6 by the State that represents the difference between
7 \$45,000,000 and the proceeds from the sale of any
8 general obligation bonds authorized for that fiscal
9 year for the purposes of the state educational
10 facilities improvement special fund shall be deposited
11 in the state treasury in each fiscal year to the
12 credit of the state educational facilities improvement
13 special fund;

14 (2) A sum, not to exceed \$5,000,000, from all general
15 excise tax revenues realized by the State shall be
16 deposited in the state treasury in each fiscal year to
17 the credit of the compound interest bond reserve fund;
18 ~~and~~

19 (3) A sum, not to exceed \$2,000,000, from all general
20 excise tax revenues realized by the State shall be
21 deposited in the state treasury in each fiscal year to
22 the credit of the Hawaii election campaign fund; and



1 ~~[-3-]~~ (4) A sum, not to exceed the amount necessary to meet
2 the obligations of the integrated tax information
3 management systems performance-based contract may be
4 retained and deposited in the state treasury to the
5 credit of the integrated tax information management
6 systems special fund. The sum retained by the
7 director of taxation for deposit to the integrated tax
8 information management systems special fund for each
9 fiscal year shall be limited to amounts appropriated
10 by the legislature. This paragraph shall be repealed
11 on July 1, 2005."

12 SECTION 17. There is appropriated out of the Hawaii
13 election campaign fund the sum of \$200,000, or so much thereof
14 as may be necessary for fiscal year 2006-2007, for the campaign
15 spending commission to provide three additional staff positions
16 and other assistance to support comprehensive publicly funded
17 elections for the state house of representatives as follows:

- 18 (1) Two staff positions for computer analysis of campaign
19 contributions for auditing and monitoring and the
20 creation of an online digital filing system for
21 campaign spending reports for all candidates running
22 for state house of representatives;



- 1 (2) One staff position to administer the comprehensive
- 2 public funding program; and
- 3 (3) Funding for the office of elections, or its designate,
- 4 to verify the qualifying contributions from registered
- 5 voters in a candidate's district.

6 The sum appropriated shall be expended by the department of

7 accounting and general services for the purposes of this Act.

8 SECTION 18. The campaign spending commission shall create

9 and publish all forms and receipts required as well as a

10 candidates' guide to the comprehensive public funding program

11 that shall include an explanation of rules and procedures

12 applicable to candidates. In addition to the reports required

13 by section 11-210, Hawaii Revised Statutes, the campaign

14 spending commission shall establish and provide administrative

15 and staff support to an independent, nonpartisan review

16 committee to undertake a substantive review of the functioning

17 of the comprehensive public funding program established under

18 this Act following each election in which the comprehensive

19 public funding option is used. The review committee shall

20 report to the legislature no later than twenty days prior to the

21 convening of the next regular session following each election

22 when the comprehensive public funding option is made available:



1 (1) Suggested amendments to this Act that may address the
2 need to improve equalizing public funding to match
3 independent expenditures and any excess expenditures
4 of publicly funded and nonparticipating candidates;

5 (2) Suggested amendments to this Act that will extend
6 publicly funded campaigns to other state and county
7 elections;

8 (3) A summary and evaluation of the commission's
9 activities and recommendations to enhance the
10 effective and timely administration and enforcement of
11 this Act; and

12 (4) An examination of mechanisms for increasing revenues
13 of the Hawaii election campaign fund, including
14 methods used in other states.

15 The legislative reference bureau shall assist the campaign
16 spending commission in drafting any proposed amendments to this
17 Act.

18 SECTION 19. In codifying the new sections added by section
19 2 of this Act, the revisor of statutes shall substitute
20 appropriate section numbers for the letters used in designating
21 the new sections in this Act.



1 SECTION 20. If any provision of this Act, or the
2 application thereof to any person or circumstance is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act which can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 21. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 22. This Act shall take effect on July 1, 2006.

10

INTRODUCED BY: Therese Chun Oakland
Randy de Bal
Frederica J.
Jay L. Harris



Report Title:

Campaign Financing; Comprehensive Public Funding

Description:

Establishes a comprehensive public financing program for qualified candidates seeking election to the state house of representatives who voluntarily agree to abide by campaign contribution and expenditure limits and other criteria.

