
A BILL FOR AN ACT

RELATING TO CAMPAIGN SPENDING.

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

1 **PILOT COMPREHENSIVE PUBLIC FUNDING FOR ELECTIONS**

2 **TO THE HAWAII COUNTY COUNCIL**

3 SECTION 1. There is established a pilot project
4 establishing a comprehensive public funding program for the
5 county of Hawaii council elections. The pilot project shall be
6 for a period of three election cycles, beginning with the 2010
7 elections.

8 SECTION 2. **Definitions.** Except for terms that are
9 specifically defined in this Act, terms that are defined under
10 section 11-191, Hawaii Revised Statutes, shall apply to this
11 Act. When used in this Act, unless the context clearly requires
12 otherwise:

13 "Candidate" means an individual who seeks nomination for
14 election or seeks election to the Hawaii county council, and who
15 meets the criteria of section 4.

16 "Candidate's committee" means a committee, as defined in
17 this section, which makes an expenditure or accepts a



1 contribution on behalf of a candidate for nomination for
2 election, or reelection, to the Hawaii county council, with the
3 candidate's authorization. A candidate shall have only one
4 authorized candidate's committee.

5 "Certification for comprehensive public funding" means the
6 decision by the commission that a candidate is certified to
7 receive public funding in accordance with this Act.

8 "Certified candidate" or "comprehensive publicly funded
9 candidate" means a participating candidate who is certified by
10 the commission as eligible for comprehensive public funding
11 under this Act and who agrees to abide by the requirements of
12 this Act.

13 "Commission" means the campaign spending commission
14 established under section 11-192, Hawaii Revised Statutes.

15 "Contested election" means, in a primary election, the
16 certified candidate is opposed by one or more candidates for the
17 nomination; and, in a general election, the certified candidate
18 is opposed by one or more candidates for election to the office.

19 "County" means the county of Hawaii.

20 "County council" means the county council of the county of
21 Hawaii.



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

5 "District" means a county district, as established in
6 accordance with section 46-1.5, Hawaii Revised Statutes.

7 "Equalizing funds" means additional public funds released
8 by the commission to a comprehensive publicly funded candidate
9 to allow the publicly funded candidate to stay financially
10 competitive with a nonparticipating candidate in a contested
11 election.

12 "Excess expenditure" means the amount of comprehensive
13 public funds spent or obligated to be spent by a comprehensive
14 publicly funded candidate in excess of one hundred per cent of
15 the allocated funds for a primary election, general election, or
16 both.

17 "General election campaign period" means the period
18 beginning the day after the primary election and ending two
19 weeks after a general election.

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



1 "Independent expenditure" means an expenditure by a
2 noncandidate committee, party, or any other person for a
3 communication that expressly advocates the nomination, election,
4 or defeat of a clearly identified certified candidate or
5 nonparticipating candidate and that is not made in concert or
6 cooperation with or as part of any coordinated activity or at
7 the request or suggestion of the certified candidate or
8 nonparticipating candidate, a candidate's committee, or their
9 agents. For the purposes of this definition, "clearly
10 identified" means that the name, likeness, photograph, or
11 drawing of the certified candidate or nonparticipating candidate
12 is used, or the identity of the certified candidate or
13 nonparticipating candidate is apparent by unambiguous reference.

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

16 "Nonparticipating candidate" means a candidate who does not
17 qualify for or receive public funding during an election period
18 and is involved in a contested election with a certified
19 participating candidate.

20 "Participating candidate" means a candidate who is seeking
21 certification for comprehensive public funding under this Act.



1 "Primary election campaign period" means the period in a
2 primary election year beginning with the certification for
3 comprehensive public funding under this Act and ending two weeks
4 after the primary election.

5 "Public funding" or "public funds" means campaign funds
6 from the Hawaii election campaign fund under section 11-217,
7 Hawaii Revised Statutes, received by an eligible candidate
8 pursuant to this Act.

9 "Qualifying contribution" means a \$5 monetary contribution
10 made to a participating candidate for purposes of meeting the
11 criteria of section 7.

12 "Qualifying period" means the period in a general election
13 year, beginning January 1 and ending on the deadline for filing
14 candidate nomination papers to run in the primary election of a
15 general election year during which a candidate may collect
16 qualifying campaign contributions to qualify for comprehensive
17 public funding under this Act; provided the commission has
18 determined that the Hawaii election campaign fund has sufficient
19 funds to make payments to comprehensive publicly funded
20 candidates during the election period.



1 "Seed money" means contributions made to a participating
2 candidate by a person in accordance with section 5 that shall be
3 expended for the purpose of determining campaign viability.

4 "Surplus campaign funds" means any campaign contributions
5 not spent during a prior election period by a participating
6 candidate who previously sought election as a privately funded
7 candidate.

8 SECTION 3. **Sufficiency of funding for comprehensive public**
9 **funding.** On September 1 of each odd-numbered year before a
10 general election year, the commission shall determine whether
11 there is a minimum of \$3,500,000 in the Hawaii election campaign
12 fund established under section 11-217, Hawaii Revised Statutes,
13 to certify participating candidates during the next election and
14 provide funding for comprehensive public funding for elections
15 under this Act.

16 If the commission determines that there is sufficient
17 funding, then within five business days, the commission shall
18 publish notice statewide, pursuant to section 1-28.5, Hawaii
19 Revised Statutes, that the comprehensive public funding program
20 shall become effective on January 1 of the following year. If
21 there is insufficient funding, then this Act shall be
22 inoperative.



1 If this Act is inoperative, candidates may seek public
2 funding as provided under subpart B of part XII of chapter 11,
3 Hawaii Revised Statutes.

4 **SECTION 4. Qualifications for comprehensive public**
5 **funding.** (a) A candidate may seek comprehensive public funding
6 for the primary election campaign period if the candidate:

7 (1) Resides in the district from which election is sought
8 as of the date of the filing of nomination papers for
9 the primary election in the general election year in
10 which the candidate seeks to be nominated or elected;

11 (2) Is a registered voter in the district from which
12 election is sought;

13 (3) Files a declaration of intent to seek comprehensive
14 public funding with the commission between January 1
15 of the election year and thirty days before the
16 closing date to file nomination papers to run for
17 office for which the candidate intends to seek
18 election;

19 (4) Collects a \$5 district qualifying contribution in
20 accordance with section 7;



1 (5) Accepts only the following contributions prior to
2 applying for certification as a comprehensive publicly
3 funded candidate:

4 (A) Seed money contributions until the candidate
5 files a declaration of intent to seek
6 comprehensive public funding; and

7 (B) Qualifying contributions that may be accepted
8 only after filing the declaration of intent to
9 seek comprehensive public funding;

10 and

11 (6) Files an application for certification for
12 comprehensive public funding with the commission and a
13 declaration that the candidate has complied and will
14 comply with all of the requirements of this Act, as
15 applicable.

16 (b) A candidate is qualified to seek comprehensive public
17 funding for the general election campaign period if the
18 candidate:

19 (1) Was certified as a comprehensive publicly funded
20 candidate during the primary election campaign period
21 immediately preceding the general election in which
22 the funds under this Act are provided; and



1 (2) Received a sufficient number of votes to appear on the
2 ballot in the general election or is otherwise
3 certified by the office of elections to be placed on
4 the ballot in the general election.

5 SECTION 5. **Seed money contributions; limitations on use of**
6 **seed money; penalties.** (a) The use of seed money shall be
7 limited to expenditures necessary to determine whether
8 sufficient support exists for a participating candidate to run
9 for office as a comprehensive publicly funded candidate.

10 (b) The amount of seed money retained or expended, or
11 both, by a candidate seeking eligibility for comprehensive
12 public funding for a county council seat shall not exceed
13 \$3,000.

14 (c) A participating candidate shall not accept
15 contributions of seed money from any person whose contributions
16 are prohibited under subpart B of part XII of chapter 11, Hawaii
17 Revised Statutes. All contributors whose seed money has been
18 accepted shall be issued a receipt by the participating
19 candidate.

20 (d) A participating candidate may use personal funds or
21 surplus campaign funds for seed money purposes, all of which



1 shall be subject to the \$3,000 limit, as applicable, in
2 subsection (b).

3 (e) Seed money shall only be spent prior to and during the
4 qualifying period and shall not be collected after the candidate
5 has filed the declaration to run. The candidate may spend seed
6 money only until the candidate is certified by the commission as
7 a comprehensive publicly funded candidate.

8 (f) Any unspent seed money shall be deducted from the
9 initial primary election distribution of a participating
10 comprehensive publicly funded candidate if the candidate becomes
11 a certified comprehensive publicly funded candidate and does not
12 donate excess seed money to the Hawaii election campaign fund
13 established under section 11-217, Hawaii Revised Statutes.

14 **SECTION 6. Restriction on use of surplus campaign funds.**

15 A comprehensive publicly funded candidate who has surplus
16 campaign funds from a previous election is prohibited from using
17 those funds for anything other than in-office constituent
18 communications. The surplus campaign funds shall be frozen and
19 maintained in a separate depository account from that
20 established for the comprehensive public funds under section 15.
21 The comprehensive publicly funded candidate shall continue to
22 file reports on the surplus campaign funds in accordance with



1 subpart B of part XII of chapter 11, Hawaii Revised Statutes, or
2 as otherwise may be required by the commission.

3 SECTION 7. **Qualifying campaign contributions.** (a) Each
4 qualifying campaign contribution shall meet the requirements of
5 this section. To be counted as a qualifying campaign
6 contribution, a contributor to a candidate for a seat on a
7 county council shall be a registered voter who resides within
8 the county district to which the candidate seeks nomination or
9 election at the time the contribution is given. A contribution
10 shall be made in an amount and in a form that may be prescribed
11 by the commission.

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

15 (c) Any receipt for a qualifying campaign contribution
16 shall be made in a form that may be prescribed by the
17 commission.

18 (d) All qualifying campaign contributions collected by
19 candidates, whether or not the candidate is certified, shall be
20 deposited into the Hawaii election campaign fund established
21 under section 11-217, Hawaii Revised Statutes.



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

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

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

18 (d) After a participating candidate is certified as a
19 comprehensive publicly funded candidate, the candidate's
20 certification shall apply to both the primary and the general
21 election, even if the candidate is unopposed in the primary
22 election.



1 SECTION 9. **Comprehensive publicly funded candidates;**
2 **contributions and expenditures; penalties.** (a) Except as
3 authorized under section 12, a certified candidate shall comply
4 with the following restrictions on contributions and
5 expenditures:

6 (1) Upon certification for comprehensive public funding
7 and until the end of the general election period, a
8 comprehensive publicly funded candidate shall not
9 accept for use in the campaign:

10 (A) Contributions from any source; provided that the
11 candidate may accept in-kind contributions
12 aggregating less than \$200 in any single month
13 from any single source;

14 (B) Loans from any person, including a certified
15 candidate;

16 (C) Contributions from political parties; and

17 (D) Any campaign material purchased or held from a
18 date prior to the declaration of intent to run
19 for office as a comprehensive publicly funded
20 candidate;

21 and



- 1 (2) Upon certification for comprehensive public funding
2 and until the end of the general election period, a
3 comprehensive publicly funded candidate shall not
4 expend for campaign purposes:
- 5 (A) Any money except public funds issued by the
6 commission;
- 7 (B) Public funds for purposes other than those
8 permitted in this Act;
- 9 (C) Public funds outside the applicable campaign
10 period for which the funding is allocated, except
11 for proper campaign debts incurred but not paid;
12 and
- 13 (D) Public funds in excess of the comprehensive
14 public funds allocated to the candidate,
15 including equalizing funds, or incur an
16 obligation or obligations to spend public funds
17 in excess of this amount.
- 18 (b) A certified candidate who accepts contributions in
19 violation of this section shall be subject to a fine equal to
20 three times the public funding received, in addition to any
21 other action, fines, or prosecution under section 18.



1 (c) A certified candidate who spends or incurs an
2 obligation to spend more than one hundred per cent of the public
3 funds allocated to the candidate under this Act shall repay to
4 the Hawaii election campaign fund established under section
5 11-217, Hawaii Revised Statutes, an amount equal to three times
6 the excess expenditures.

7 SECTION 10. **Comprehensive publicly funded candidate;**
8 **reporting.** (a) A comprehensive publicly funded candidate and
9 the certified candidate's committee shall furnish complete
10 campaign records, including all records of nonmonetary
11 contributions, seed money contributions, qualifying campaign
12 contributions to the commission, and expenditures to the
13 commissioner. A candidate shall fully cooperate with any audit
14 or examination by the commission.

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

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



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

3 SECTION 11. **Comprehensive publicly funded candidate;**

4 **continuing obligation.** (a) A certified candidate shall comply
5 with all requirements under this Act through the general
6 election campaign period regardless of whether the certified
7 candidate maintains eligibility for comprehensive public funding
8 in the general election campaign period.

9 (b) A certified comprehensive publicly funded candidate
10 who wins office shall be allowed to fundraise no more than
11 \$2,000 per year with individual contributions of no greater than
12 \$250.

13 (c) Any surplus of funds for a successful certified
14 comprehensive publicly funded candidate up to \$4,000 may be
15 carried over to cover in-office constituent communications not
16 to exceed the \$2,000 annual allotment or \$4,000 for a two-year
17 term.

18 (d) If the total surplus from a publicly funded campaign
19 falls under \$4,000 the certified comprehensive publicly funded
20 office holder shall be allowed to raise the difference pursuant
21 to subpart B of part XII of chapter 11, Hawaii Revised Statutes,
22 while in office.



1 (e) Except for seed money contributions, qualifying
2 contributions, and in-office constituent communications, a
3 certified candidate who is elected to the office sought shall
4 not accept private contributions from any person, political
5 party, or political action committee until either September 1 of
6 the next odd-numbered year following the general election in
7 which the candidate was last elected, or the date when the
8 commission determines there are insufficient funds under
9 section 3, whichever occurs earlier.

10 (f) If a certified candidate withdraws from seeking the
11 nomination for or from the election, or has unspent public funds
12 after an election, all unencumbered funds received by the
13 candidate under this Act shall be returned to the Hawaii
14 election campaign fund established under section 11-217, Hawaii
15 Revised Statutes, within ten days after the general election.

16 SECTION 12. **Sufficiency of public funding; amount of base**
17 **public funding; disbursements.** (a) The commission shall not
18 distribute comprehensive public funding to certified candidates
19 that exceeds the total amount of \$300,000 for all candidates
20 subject to this Act in any given election year in which this Act
21 is operative.



1 (b) Commencing January 1 of a general election year and
2 ending with the deadline to submit applications for
3 certification, the commission shall post on its website a
4 monthly report stating, by district:

- 5 (1) The number of declarations of intent to seek
6 comprehensive public funding received;
- 7 (2) The number of applications for certification received;
- 8 (3) The number of candidates who have been certified for
9 comprehensive public funding;
- 10 (4) The base amount of public funding committed to
11 certified candidates; and
- 12 (5) The amount of public funding available for additional
13 certified candidates.

14 Notwithstanding any other provisions in this Act, if the
15 commission determines that the revenues are insufficient to meet
16 distributions to certified candidates under this section, the
17 commission shall either permit certified candidates to accept
18 and spend contributions, subject to the campaign contribution
19 limitations set forth in section 11-204, Hawaii Revised
20 Statutes, up to the applicable amounts, including equalizing
21 funds the certified candidate would have received from
22 comprehensive public funding.



1 (c) For primary elections subject to this Act, the dollar
2 amount of the initial allotment of comprehensive public funding
3 shall be set at an average of the amount spent by the winning
4 candidates in the previous two county council primary elections
5 of the same district, reduced by ten per cent.

6 (d) For general elections subject to this Act, the dollar
7 amount of the initial allotment of comprehensive public funding
8 shall be set at an average of the amount spent by the winning
9 candidates in the previous two county council general elections
10 for the same district, reduced by ten per cent.

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

15 (f) The commission shall disburse public funds by check or
16 electronic transfer.

17 (g) If the winning primary candidate has residual funds
18 from the primary election, those funds may be carried over to
19 the general election. A certified candidate who is not
20 successful in the primary election shall return all unspent and
21 unencumbered public funds to the Hawaii campaign election fund



1 established under section 11-217, Hawaii Revised Statutes,
2 within ten days after the primary election.

3 SECTION 13. **Equalizing funds, sufficiency of funds.** (a)

4 The commission shall disburse equalizing funds to a certified
5 candidate in a contested election whenever that candidate is
6 outspent by an opposing nonparticipating candidate. An opposing
7 nonparticipating candidate is deemed to have outspent a
8 certified candidate when the campaign report filed pursuant to
9 subpart B of part XII of chapter 11, Hawaii Revised Statutes,
10 shows that the sum of an opposing nonparticipating candidate and
11 the nonparticipating candidate's committee's expenditures and
12 obligations, or campaign contributions received or borrowed,
13 whichever is greater, added to any independent expenditures made
14 in support of that nonparticipating candidate or against the
15 opposing certified candidate reported by any noncandidate's
16 committee, party, or any other person exceeds one hundred per
17 cent of the amount of comprehensive public funding previously
18 allotted and distributed to the opposing certified candidate in
19 a contested election, including any equalizing funds previously
20 distributed.



1 (b) In a contested election, equalizing funds shall be
2 limited to an amount equal to the base amount of comprehensive
3 public funding allotted to the certified candidate.

4 (c) The commission shall authorize and monitor all
5 equalizing spending by participating candidates.

6 SECTION 14. **Reporting; penalties for failure to report.**

7 (a) Reporting obligations under this section for
8 nonparticipating candidates and their candidate's committees,
9 noncandidate committees, parties, or any other persons making
10 independent expenditures shall be in addition to the reporting
11 requirements under this Act and chapter 11, Hawaii Revised
12 Statutes, whenever a certified candidate is opposed in a
13 contested election by a nonparticipating candidate as follows:

14 (1) Commencing forty-five days before the primary election
15 day, nonparticipating candidates and their candidate's
16 committees shall file an initial excess report with
17 the commission within twenty-four hours after
18 cumulative contributions are received, or expenditures
19 are made or committed to be made, including verbal
20 commitments, in an election period that exceeds one
21 hundred one per cent of the base amount of
22 comprehensive public funding allotted to an opposing



1 certified candidate in a contested election.
2 Nonparticipating candidates and the candidate's
3 committees shall file supplemental excess reports
4 within twenty-four hours after any encumbrances or
5 expenditures that exceed \$1,000 in aggregate; and
6 (2) Commencing forty-five days before the general election
7 day, noncandidate committees, parties, and any other
8 persons that incur independent expenditures that
9 expressly advocate the nomination, election, or defeat
10 of a certified candidate shall file an independent
11 expenditure report with the commission within
12 twenty-four hours when expenditures exceed \$1,000 in
13 aggregate in an election period. Thereafter,
14 noncandidate committees, parties, and any other
15 persons that incur independent expenditures, including
16 verbal expenditure commitments, shall file
17 supplemental independent expenditure reports within
18 twenty-four hours whenever the aggregate expenditures
19 exceed \$100. The independent expenditure reports
20 shall identify the nonparticipating candidate or
21 certified candidate for whom the independent



1 expenditure is intended to influence the nomination,
2 election, or defeat.

3 (b) If a nonparticipating candidate and the candidate's
4 committee fails to file or files a false excess report or
5 supplemental excess reports as required in this section, the
6 commission, within twenty-four hours of verifying the failure or
7 falsity, shall automatically disburse equalizing funds to any
8 opposing certified candidate up to the maximum authorized under
9 section 13.

10 (c) Any nonparticipating candidate and the candidate's
11 committee, noncandidate committee, party, or any other person
12 that makes independent expenditures in a contested election
13 involving a certified candidate who fails to file a report as
14 required under this Act or files a false report shall be:

- 15 (1) Guilty of a misdemeanor;
16 (2) Subject to a fine of up to three times the amount of
17 equalizing funds paid to the certified candidate; and
18 (3) Subject to any other fine or penalty pursuant to
19 sections 11-228 and 11-229, Hawaii Revised Statutes.

20 (d) Upon certification of all comprehensive publicly
21 funded candidates, if the commission determines there are
22 insufficient funds to meet the potential need for equalizing



1 funds for all certified candidates, the commission shall permit
2 each certified candidate to accept and spend private
3 contributions, subject to the campaign contribution limitations
4 set forth in section 11-204, Hawaii Revised Statutes, up to the
5 equalizing funds the certified candidate would have received
6 from comprehensive public funding.

7 (e) The commission shall adopt rules under chapter 91,
8 Hawaii Revised Statutes, to compute the amount of equalizing
9 funds allotted to a certified candidate that takes into
10 consideration the contributions and expenditures of the
11 nonparticipating candidate and the candidate's committee, and
12 any independent expenditures incurred to influence the
13 nomination, election, or defeat of the certified candidate. To
14 prevent the abuse of equalizing funds, the commission shall not
15 base any calculation on independent expenditures that, although
16 containing words of express advocacy, also contain other words
17 or phrases that have no other reasonable meaning other than to
18 contradict the expressed advocacy.

19 SECTION 15. **Comprehensive public funding; permitted uses.**

20 (a) Comprehensive public funds shall be used only for the
21 purpose of defraying expenses that are directly related to the



1 certified candidate's campaign during the election campaign
2 period for which the comprehensive public funds are allocated.

3 (b) A candidate receiving funds under this Act or the
4 candidate's campaign treasurer shall not transfer any portion of
5 the funds provided under this Act to any other candidate for
6 another campaign.

7 SECTION 16. **Deposit of, and access to, comprehensive**
8 **public funds.** (a) All public funds received by a certified
9 candidate shall be deposited directly into a depository
10 institution as provided under section 11-199(a), Hawaii Revised
11 Statutes, and accessed through use of credit cards, debit cards,
12 and bank checks.

13 (b) All reports required under subpart B of part XII of
14 chapter 11, Hawaii Revised Statutes, and this Act for financial
15 disclosure shall include the most recent bank statement from the
16 financial depository holding the public funds.

17 SECTION 17. **Deposit of money into the Hawaii election**
18 **campaign fund.** In addition to the funds collected by the
19 commission and pursuant to section 11-217, Hawaii Revised
20 Statutes, the following moneys shall be deposited into the
21 Hawaii election campaign fund established under section 11-217,
22 Hawaii Revised Statutes:



- 1 (1) Appropriations from the legislature;
- 2 (2) Excess seed money contributions;
- 3 (3) Qualifying contributions, including any excess
- 4 qualifying contributions of certified candidates;
- 5 (4) Unspent public funds distributed to any certified
- 6 candidate;
- 7 (5) Fines levied by the commission for violation of this
- 8 Act; and
- 9 (6) Voluntary donations.

10 SECTION 18. **Violations; penalties.** Any candidate who
11 knowingly seeks or receives public funding to fraudulently
12 qualify for or receive public funding shall:

- 13 (1) Have the candidate's certification for comprehensive
- 14 public funding revoked. Upon revocation of
- 15 certification, the certified candidate shall repay all
- 16 public funds received within ten business days; and
- 17 (2) Be subject to fines and penalties as specifically
- 18 provided in this Act and other fines or penalties
- 19 pursuant to sections 11-228 and 11-229, Hawaii Revised
- 20 Statutes.

21 SECTION 19. **Rules.** The commission shall adopt forms and
22 rules pursuant to chapter 91, Hawaii Revised Statutes, as may be



1 necessary to implement this Act, including the reporting
2 requirements of section 13 and any restrictions on petty cash
3 expenditures by the certified candidate.

4 SECTION 20. This Act shall be a pilot project limited to
5 the elections of 2010, 2012, and 2014 for the county of Hawaii
6 county council elections only. No candidate who qualifies for
7 comprehensive public funding under this Act in any of the
8 elections of 2010, 2012, and 2014, shall become eligible for
9 partial public funding in the election for which the candidate
10 qualifies for funding under this Act; provided that the
11 comprehensive financing provided under this Act is declared
12 operative pursuant to section 3.

13 SECTION 21. There is appropriated out of the Hawaii
14 election campaign fund the sum of \$100,000 or so much thereof as
15 may be necessary for fiscal years 2008-2009, 2011-2012, and
16 2013-2014 for the campaign spending commission to provide
17 additional staff positions and other assistance to support
18 comprehensive publicly funded elections for the Hawaii county
19 council and funding for the office of elections, or its
20 designate, to verify the qualifying contributions from
21 registered voters in a candidate's district.



1 The sum appropriated shall be expended by the department of
2 accounting and general services for the purposes of this Act.

3 SECTION 22. The campaign spending commission shall create
4 and publish all forms and receipts required as well as a
5 candidates' guide to the comprehensive public funding program
6 that shall include an explanation of rules and procedures
7 applicable to candidates. In addition to the reports required
8 by section 11-210, Hawaii Revised Statutes, the campaign
9 spending commission shall establish and provide administrative
10 and staff support to an independent, nonpartisan review
11 committee to undertake a substantive review of the functioning
12 of the comprehensive public funding program established under
13 this Act following each election in which the comprehensive
14 public funding option is used. The review committee shall
15 report to the legislature no later than twenty days prior to the
16 convening of the next regular session following each election
17 when the comprehensive public funding option is made available.
18 The report shall include:

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



- 1 (2) Suggested amendments to this Act that will extend
2 publicly funded campaigns to other state and county
3 elections;
- 4 (3) A summary and evaluation of the commission's
5 activities and recommendations to enhance the
6 effective and timely administration and enforcement of
7 this Act; and
- 8 (4) An examination of mechanisms for increasing revenues
9 of the Hawaii election campaign fund, including
10 methods used in other states.

11 The campaign spending commission shall gather data from the
12 county clerk of Hawaii to gather data and submit a report to the
13 legislature no later than twenty days prior to the start of the
14 next regular session after each election.

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

18 SECTION 23. If any provision of this Act, or the
19 application thereof to any person or circumstance is held
20 invalid, the invalidity does not affect other provisions or
21 applications of the Act, which can be given effect without the



1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 24. If any provisions in this Act conflict with or
4 are otherwise inconsistent with any statutory provision of part
5 XII of chapter 11, Hawaii Revised Statutes, this Act shall
6 supersede any such conflicting or inconsistent statutory
7 provisions for the purposes of this Act.

8 SECTION 25. This Act shall take effect on January 1, 2010;
9 provided that section 21 of this Act shall take effect on
10 July 1, 2008.



Report Title:

Campaign Spending; Public Funding

Description:

Creates a pilot comprehensive public funding program for elections to the Hawaii county council in 2010, 2012, and 2014. Establishes qualifications, limitations on funding and use of funds, and reporting requirements. Makes appropriations. (SD1)

