
A BILL FOR AN ACT

RELATING TO CAMPAIGN SPENDING.

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

PILOT COMPREHENSIVE PUBLIC FUNDING FOR ELECTIONS

TO THE HAWAII COUNTY COUNCIL

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

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

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

"Candidate's committee" means a committee, as defined in section 11-191, Hawaii Revised Statutes, which makes an



1 expenditure or accepts a contribution on behalf of a candidate
2 for nomination for election, or reelection, to the Hawaii county
3 council, with the candidate's authorization. A candidate shall
4 have only one 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 in the form of a check or a money order payable to the fund
11 to a participating candidate for purposes of meeting the
12 criteria of section 7.

13 "Qualifying period" means the period in a general election
14 year, beginning January 1 and ending on the deadline for filing
15 candidate nomination papers to run in the primary election of a
16 general election year during which a candidate may collect
17 qualifying campaign contributions to qualify for comprehensive
18 public funding under this Act; provided the commission has
19 determined that the Hawaii election campaign fund has sufficient
20 funds to make payments to comprehensive publicly funded
21 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 the
10 general election years of 2010, 2012, and 2014, the commission
11 shall determine whether there is a minimum of \$3,500,000 in the
12 Hawaii election campaign fund established under section 11-217,
13 Hawaii Revised Statutes, to certify participating candidates
14 during the next election and provide funding for comprehensive
15 public funding for elections 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 Hawaii county clerk 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 of intent to run. The candidate may
6 spend seed money only until the candidate is certified by the
7 commission as 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 16.
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 the
7 Hawaii county council shall be a registered voter who resides
8 within the county district to which the candidate seeks
9 nomination or election at the time the contribution is given. A
10 contribution shall be made in an amount and in a form that may
11 be prescribed 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. The clerk for the
11 county of Hawaii shall verify that at least two hundred
12 signatures and qualifying contributions were received from
13 registered voters in the district for which the candidate seeks
14 office, that the candidate resides in the district from which
15 election is sought as of the date of the filing of nomination
16 papers, and that the candidate is a registered voter in the
17 district from which election is sought.

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

20 (c) The commission shall issue a decision to certify or
21 deny certification of a candidate as a comprehensive publicly
22 funded candidate within ten business days following receipt of



1 the candidate's completed application for certification for
2 comprehensive public funds.

3 (d) After a participating candidate is certified as a
4 comprehensive publicly funded candidate, the candidate's
5 certification shall apply to both the primary and the general
6 election, even if the candidate is unopposed in the primary
7 election.

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

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

17 (A) Contributions from any source; provided that the
18 candidate may accept in-kind contributions
19 aggregating less than \$200 in any single month
20 from any single source;

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



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



1 obligation or obligations to spend public funds
2 in excess of this amount.

3 (b) A certified candidate who accepts contributions in
4 violation of this section shall be subject to a fine equal to
5 three times the public funding received, in addition to any
6 other action, fines, or prosecution under section 18.

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

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

21 (b) A comprehensive publicly funded candidate shall comply
22 with the reporting requirements of sections 11-194, 11-195, 11-



1 195.5, 11-196, 11-212, 11-213, and 11-224, Hawaii Revised
2 Statutes, in addition to those required under this Act or that
3 may be required by the commission.

4 (c) The commission shall require that all certified
5 candidates file the reports required under this Act in a
6 digital, electronic format specified by rules adopted by the
7 commission under chapter 91, Hawaii Revised Statutes.

8 SECTION 11. **Comprehensive publicly funded candidate;**
9 **continuing obligation.** (a) A certified candidate shall comply
10 with all requirements under this Act through the general
11 election campaign period regardless of whether the certified
12 candidate maintains eligibility for comprehensive public funding
13 in the general election campaign period.

14 (b) A certified comprehensive publicly funded candidate
15 who wins office shall be allowed to fundraise no more than
16 \$2,000 per year with individual contributions of no greater than
17 \$250.

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



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

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

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

21 SECTION 12. **Sufficiency of public funding; amount of base**
22 **public funding; disbursements.** (a) The commission shall not



1 distribute comprehensive public funding to certified candidates
2 that exceeds the total amount of \$300,000 for all candidates
3 subject to this Act in any given election year in which this Act
4 is operative.

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

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

18 Notwithstanding any other provisions in this Act, if the
19 commission determines that the revenues are insufficient to meet
20 distributions to certified candidates under this section, the
21 commission shall either permit certified candidates to accept
22 and spend contributions, subject to the campaign contribution



1 limitations set forth in section 11-204, Hawaii Revised
2 Statutes, up to the applicable amounts, including equalizing
3 funds the certified candidate would have received from
4 comprehensive public funding.

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

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

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

19 (f) Public funds, including equalizing funds, shall be
20 paid to a certified candidate by the comptroller in the manner
21 prescribed in section 11-222, Hawaii Revised Statutes.



1 (g) If the winning primary candidate has residual funds
2 from the primary election, those funds may be carried over to
3 the general election. A certified candidate who is not
4 successful in the primary election shall return all unspent and
5 unencumbered public funds to the Hawaii campaign election fund
6 established under section 11-217, Hawaii Revised Statutes,
7 within ten days after the primary election.

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



1 allotted and distributed to the opposing certified candidate in
2 a contested election, including any equalizing funds previously
3 distributed.

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

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

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

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

17 (1) Commencing forty-five days before the primary election
18 day, nonparticipating candidates and their candidate's
19 committees shall file an initial excess report with
20 the commission within twenty-four hours after
21 cumulative contributions are received, or expenditures
22 are made or committed to be made, including verbal



1 commitments, in an election period that exceeds one
2 hundred one per cent of the base amount of
3 comprehensive public funding allotted to an opposing
4 certified candidate in a contested election.

5 Nonparticipating candidates and the candidate's
6 committees shall file supplemental excess reports
7 within twenty-four hours after any encumbrances or
8 expenditures that exceed \$1,000 in aggregate; and

9 (2) Commencing forty-five days before the general election
10 day, noncandidate committees, parties, and any other
11 persons that incur independent expenditures that
12 expressly advocate the nomination, election, or defeat
13 of a certified candidate shall file an independent
14 expenditure report with the commission within
15 twenty-four hours when expenditures exceed \$1,000 in
16 aggregate in an election period. Thereafter,
17 noncandidate committees, parties, and any other
18 persons that incur independent expenditures, including
19 verbal expenditure commitments, shall file
20 supplemental independent expenditure reports within
21 twenty-four hours whenever the aggregate expenditures
22 exceed \$100. The independent expenditure reports



1 shall identify the nonparticipating candidate or
2 certified candidate for whom the independent
3 expenditure is intended to influence the nomination,
4 election, or defeat.

5 (b) If a nonparticipating candidate and the candidate's
6 committee fails to file on or before the due date as required by
7 this section or files a false excess report or supplemental
8 excess reports, the commission, within twenty-four hours of
9 verifying the failure or falsity, shall inform the comptroller.
10 Public funds shall be paid to a certified candidate by the
11 comptroller in the manner prescribed in section 11-222, Hawaii
12 Revised Statutes.

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

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



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

2 (a) Comprehensive public funds shall be used only for the
3 purpose of defraying expenses that are directly related to the
4 certified candidate's campaign during the election campaign
5 period for which the comprehensive public funds are allocated.

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

10 SECTION 16. **Deposit of, and access to, comprehensive**

11 **public funds.** (a) All public funds received by a certified
12 candidate shall be deposited directly into a depository
13 institution as provided under section 11-199(a), Hawaii Revised
14 Statutes, and accessed through use of credit cards, debit cards,
15 and bank checks.

16 (b) All reports required under subpart B of part XII of
17 chapter 11, Hawaii Revised Statutes, and this Act for financial
18 disclosure shall include a recent, available bank statement from
19 the financial depository holding the public funds, as attested
20 to by the candidate's committee.



1 (c) Failure to submit a required report in a timely manner
2 shall result in a fine of \$500, to be assessed against the
3 candidate's committee.

4 SECTION 17. **Deposit of money into the Hawaii election**

5 **campaign fund.** In addition to the funds collected by the
6 commission and pursuant to section 11-217, Hawaii Revised
7 Statutes, the following moneys shall be deposited into the
8 Hawaii election campaign fund established under section 11-217,
9 Hawaii Revised Statutes:

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

19 SECTION 18. **Violations; penalties.** Any candidate who
20 knowingly seeks or receives public funding to fraudulently
21 qualify for or receive public funding shall:



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

9 SECTION 19. This Act shall be a pilot project limited to
10 the elections of 2010, 2012, and 2014 for the county of Hawaii
11 county council elections only. No candidate who qualifies for
12 comprehensive public funding under this Act in any of the
13 elections of 2010, 2012, and 2014, shall become eligible for
14 partial public funding in the election for which the candidate
15 qualifies for funding under this Act; provided that the
16 comprehensive financing provided under this Act is declared
17 operative pursuant to section 3.

18 SECTION 20. The campaign spending commission shall create
19 and publish all forms and receipts required as well as a
20 candidates' guide to the comprehensive public funding program
21 that shall include an explanation of rules and procedures
22 applicable to candidates. In addition to the reports required



1 by section 11-210, Hawaii Revised Statutes, the campaign
2 spending commission shall establish and provide administrative
3 and staff support to an independent, nonpartisan review
4 committee to undertake a substantive review of the functioning
5 of the comprehensive public funding program established under
6 this Act following each election in which the comprehensive
7 public funding option is used. The review committee shall
8 report to the legislature no later than twenty days prior to the
9 convening of the next regular session following each election
10 when the comprehensive public funding option is made available.

11 The report shall include:

- 12 (1) Suggested amendments to this Act that may address the
13 need to improve equalizing public funding to match
14 independent expenditures and any excess expenditures
15 of publicly funded and nonparticipating candidates;
- 16 (2) Suggested amendments to this Act that will extend
17 publicly funded campaigns to other state and county
18 elections;
- 19 (3) A summary and evaluation of the commission's
20 activities and recommendations to enhance the
21 effective and timely administration and enforcement of
22 this Act; and



1 (4) An examination of mechanisms for increasing revenues
2 of the Hawaii election campaign fund, including
3 methods used in other states.

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

8 The legislative reference bureau shall assist the campaign
9 spending commission in drafting any proposed amendments to this
10 Act.

11 SECTION 21. Section 11-217.5, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§11-217.5 Depletion of fund.** (a) The Hawaii election
14 campaign fund shall be under no obligation to provide moneys to
15 ~~[qualified]~~ eligible candidates ~~[in the event that]~~ if, in the
16 partial public funding program or comprehensive public funding
17 for elections to the county councils, moneys in that fund [have
18 ~~been depleted.]~~ are near depletion.

19 (b) ~~[In the event that]~~ For purposes of the partial
20 funding program, if the Hawaii election campaign fund is close
21 to depletion, as determined by the commission, the commission
22 shall determine the amounts available to ~~[qualified]~~ eligible



1 candidates based on their order of eligibility in qualifying for
2 partial public funds, as determined by the date of filing of an
3 application for public funds with the commission pursuant to
4 section 11-222; provided that the application has been accepted
5 by the commission.

6 (c) For the purposes of the comprehensive public funding
7 for elections to the county councils, if the Hawaii election
8 campaign fund is close to depletion, the commission shall
9 determine whether that program shall be operative in accordance
10 with subpart ."

11 SECTION 22. If any provision of this Act, or the
12 application thereof to any person or circumstance is held
13 invalid, the invalidity does not affect other provisions or
14 applications of the Act, which can be given effect without the
15 invalid provision or application, and to this end the provisions
16 of this Act are severable.

17 SECTION 23. If any provisions in this Act conflict with or
18 are otherwise inconsistent with any statutory provision of part
19 XII of chapter 11, Hawaii Revised Statutes, this Act shall
20 supersede any such conflicting or inconsistent statutory
21 provisions for the purposes of this Act.



1 SECTION 24. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 25. This Act shall take effect on July 1, 2008,
4 and shall be applicable beginning with the general election year
5 of 2010.



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. (HB661 SD2)

