

JAN 18 2008

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# A BILL FOR AN ACT

RELATING TO A CONSTITUTIONAL CONVENTION.

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

1           SECTION 1. The legislature finds that there is  
2 considerable interest throughout the community regarding the  
3 notion of a future constitutional convention. Many anticipate  
4 strong grassroots interest in a constitutional convention and  
5 possibly a large influx getting involved and running for  
6 delegate seats.

7           The legislature also finds that elections for  
8 constitutional convention delegates are surprisingly absent from  
9 the existing campaign spending laws. The last constitutional  
10 convention was held thirty years ago, and the cost of  
11 campaigning has swelled enormously over the past few decades.

12           Meanwhile, there has been growing interest in increasing  
13 the availability of public funding for election campaigns in  
14 Hawaii. Public funding helps to reduce the influence of private  
15 money in campaigns and opens up the electoral process to new  
16 participants.



1           Given these trends, there is an exceptional opportunity to  
2 establish a new campaign finance system for candidates for the  
3 position of constitutional convention delegate.

4           The purpose of this Act is to establish a substantial  
5 public funding option for candidates campaigning to be a  
6 constitutional convention delegate, to provide an alternative to  
7 private funding sources, and to encourage ordinary citizens to  
8 run for constitutional convention seats.

9           SECTION 2. Section 11-209, Hawaii Revised Statutes, is  
10 amended to read as follows:

11           "**§11-209 Campaign expenditures; limits as to amounts.** (a)

12 From January 1 of the year of any primary, special, or general  
13 election, the total expenditures for each election for  
14 candidates who voluntarily agree to limit their campaign  
15 expenditures, inclusive of all expenditures made or authorized  
16 by the candidate alone and all campaign treasurers and  
17 committees in the candidate's behalf, shall not exceed the  
18 following amounts expressed respectively multiplied by the  
19 number of voters in the last preceding general election  
20 registered to vote in each respective voting district:

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

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



- 1 (3) For the office of mayor--\$2.00;
- 2 (4) For the offices of state senator, state  
3 representative, and county council member--\$1.40; and
- 4 (5) For the offices of the board of education and all  
5 other offices except constitutional convention  
6 delegates--20 cents.

7 (b) During the time between the general election in which  
8 voters approve a ballot question to call for a constitutional  
9 convention until the special election to elect delegates to that  
10 constitutional convention, the total expenditures for  
11 constitutional convention delegate candidates that voluntarily  
12 agree to limit their campaign expenditures, inclusive of all  
13 expenditures made or authorized by the candidate alone and all  
14 campaign treasurers and committees in the candidate's behalf,  
15 shall not exceed \$2.50 multiplied by the number of voters  
16 registered to vote in the preceding general election in each  
17 respective constitutional convention delegate voting district.

18 ~~(b)~~ (c) A candidate or committee who has voluntarily  
19 agreed to the expenditure limits in this section and who exceeds  
20 their respective expenditure limits shall pay the full filing  
21 fee and shall notify all opponents, the chief election officer,  
22 and the commission by telephone and in writing the day the



1 expenditure limits are exceeded. All contributors shall be  
2 notified within thirty days of exceeding the expenditure limits.  
3 Notification to contributors shall include an announcement that  
4 tax deductions based on their contributions are no longer  
5 available."

6 SECTION 3. Section 11-218, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 **"§11-218 Candidate funding; amounts available.** (a) For  
9 the office of governor, lieutenant governor, or mayor, the  
10 maximum amount of public funds available to a candidate in any  
11 election shall not exceed ten per cent of the total expenditure  
12 limit as determined under section 11-209 for each election for  
13 each office listed in this subsection.

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

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



1        (d) For the office of constitutional convention delegate,  
2 the maximum amount of public funds available to a candidate in  
3 any election shall be eighty per cent of the total expenditure  
4 limit as determined under section 11-209.

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

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

16        SECTION 4. Section 11-219, Hawaii Revised Statutes, is  
17 amended to read as follows:

18        "**§11-219 Qualifying campaign contributions; amounts.** As a  
19 condition of receiving public funds for a primary or general  
20 election, a candidate shall not be unopposed in any election for  
21 which public funds are sought, shall have filed an affidavit  
22 with the commission pursuant to section 11-208 to voluntarily



1 limit the candidate's campaign expenditures, and shall be in  
2 receipt of the following sum of qualifying campaign  
3 contributions from individual residents of Hawaii:

4 (1) For the office of governor--qualifying contributions  
5 that in the aggregate, exceed \$100,000;

6 (2) For the office of lieutenant governor--qualifying  
7 contributions that in the aggregate, exceed \$50,000;

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

9 (A) County of Honolulu--qualifying contributions that  
10 in the aggregate, exceed \$50,000;

11 (B) County of Hawaii--qualifying contributions that  
12 in the aggregate, exceed \$15,000;

13 (C) County of Maui--qualifying contributions that in  
14 the aggregate, exceed \$10,000; and

15 (D) County of Kauai--qualifying contributions that in  
16 the aggregate, exceed \$5,000; and

17 (4) For the office of prosecuting attorney for each  
18 respective county:

19 (A) County of Honolulu--qualifying contributions that  
20 in the aggregate, exceed \$30,000;

21 (B) County of Hawaii--qualifying contributions that  
22 in the aggregate, exceed \$10,000; and



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



1 SECTION 5. Section 11-220, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) To be eligible to receive payments pursuant to  
4 section 11-217, a candidate shall certify to the commission  
5 that:

6 (1) The candidate and all committees authorized by the  
7 candidate shall not incur campaign expenses in excess  
8 of the expenditure limitations imposed by section 11-  
9 209;

10 (2) The candidate has qualified to be on the election  
11 ballot in a primary, special, or general election;

12 (3) The candidate has filed a statement of intent to seek  
13 qualifying contributions. A contribution received  
14 before the filing of a statement of intent to seek  
15 public funds shall not be considered a qualifying  
16 contribution;

17 (4) The candidate or committee authorized by the candidate  
18 has received the qualifying sum of private  
19 contributions for the office sought by the candidate  
20 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           SECTION 6. Section 11-221, Hawaii Revised Statutes, is  
5 amended to read as follows:

6           "**§11-221 Entitlement to payments.** (a) [A] For all  
7 offices except constitutional convention delegate, a candidate  
8 shall obtain the minimum amount of qualifying contributions set  
9 forth in section 11-219, once for the election period. After  
10 the candidate obtains the minimum amount of qualifying campaign  
11 contributions, the candidate shall be entitled to receive for  
12 each election that the candidate's name appears on the ballot:

- 13           (1) The minimum payment in an amount equal to the  
14           qualifying campaign contributions; and  
15           (2) Payments of \$1 for each \$1 of qualifying contributions  
16           in excess of the minimum amount of qualifying  
17           contributions;

18 provided that the candidate shall not receive more than the  
19 maximum amount of public funds available to a candidate pursuant  
20 to section 11-218; provided further that the candidate shall not  
21 receive public funds for a primary election if the candidate



1 does not obtain the minimum amount of qualifying contributions  
2 before the date of the primary election.

3 (b) A candidate for constitutional convention delegate  
4 shall obtain the minimum amount of qualifying contributions set  
5 forth in section 11-219, for the period between the general  
6 election in which voters approved the ballot question  
7 authorizing the constitutional convention and the special  
8 election for election of delegates to the constitutional  
9 convention. After a candidate obtains the minimum amount of  
10 qualifying campaign contributions, the candidate shall be  
11 entitled to receive:

12 (1) The minimum payment in an amount equal to the  
13 qualifying campaign contributions; and

14 (2) Payments of \$4 for each \$1 of qualifying contributions  
15 in excess of the minimum amount of qualifying  
16 contributions;

17 provided that the candidate shall not receive more than the  
18 maximum amount of public funds available to a candidate  
19 pursuant to section 11-218.

20 ~~(b)~~ (c) A candidate shall have at least one other  
21 qualified candidate as an opponent for the primary or general  
22 election to receive public funds for that election."



1 SECTION 7. Section 11-222, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) Each candidate in receipt of the qualifying sum of  
4 contributions established for the candidate's office may apply  
5 to the commission for public funding after the candidate has  
6 become a candidate in a primary, special, or general election."

7 SECTION 8. Section 11-222, Hawaii Revised Statutes, is  
8 amended by amending subsection (b) to read as follows:

9 "(b) Each candidate in receipt of the qualifying sum of  
10 contributions established for the candidate's office may apply  
11 to the commission for public funding after the candidate has  
12 become a candidate in a primary, special, or general election."

13 SECTION 9. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$ or so  
15 much thereof as may be necessary for fiscal year 2008-2009 to be  
16 deposited into the Hawaii election campaign fund established by  
17 section 11-217, Hawaii Revised Statutes, for the purpose of  
18 providing public funding for a special election to elect  
19 constitutional convention delegates.

20 The sum appropriated shall be expended by the campaign  
21 spending commission for the purposes of this Act.



1 SECTION 10. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 11. This Act shall take effect upon its approval;  
4 provided that section 9 shall take effect on July 1, 2008.

5

INTRODUCED BY: *J. D. ...*



**Report Title:**

Constitutional Convention; Public Funding; Appropriation

**Description:**

Amends campaign spending laws to include public funding for special elections for the election of delegates to a constitutional convention. Appropriates funds.

