

STAND. COM. REP. NO.

1222

Honolulu, Hawaii

APR 09 2009

RE: H.B. No. 128  
H.D. 1  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 128, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose of this measure is to require the Office of Elections to develop a standard withdrawal and declaration of candidacy form to be used by candidates to withdraw as a candidate.

Your Committee deleted the contents of this measure and replaced it with a proposed Senate Draft 1 which would enact a new campaign finance and spending law to replace existing law. Your Committee finds that campaign spending laws are an integral part of the election process, and further finds that the subject matter falls within the title of this measure.

Your Committee received testimony on this measure from government entities, private organizations, and individuals. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Chapter 11, Hawaii Revised Statutes, part XII, was enacted by Act 185, Session Laws of Hawaii 1973. Over the past thirty-five years, numerous amendments have been made to the campaign finance laws in a piecemeal fashion and, apparently, with little regard to the laws as a whole. The result is laws that are unorganized,



difficult to read, and inconsistent in some areas. The current laws are codified in part XII, subpart B of chapter 11, Hawaii Revised Statutes.

The proposed measure is based on the work of the Campaign Spending Commission's blue ribbon recodification committee. The committee completed its work in 2008 after meeting regularly for nine months. The committee was comprised of the commission's staff and seventeen attorneys experienced in campaign finance law who represented various interests.

Your Committee has amended the proposed draft by:

- (1) Deleting the sections relating to declaration of policy and construction of laws;
- (2) Clarifying the definition of campaign funds to mean contributions, interest, rebates, refunds, loans, or advances;
- (3) Adding that certification as a candidate may be made by the chief election officer or county clerk;
- (4) Amending the definition of noncandidate committee with reference to production and dissemination of informational or educational communications to clarify that the dissemination is not made to influence the outcome of an election or question on a ballot;
- (5) Clarifying that campaign funds may be used to make donations to public libraries;
- (6) Requiring that loans from persons other than immediate family members that are not repaid within one year of the date of the loan shall be repaid in full from contributions subsequently received;
- (7) Requiring the electronic filing of all reports required to be filed with the Campaign Spending Commission;
- (8) Clarifying the certification requirements of filed reports by deleting references to a true and accurate statement of the committee's activity;



- (9) Requiring that a vacancy on the Campaign Spending Commission be filled by the appointment of one of two persons nominated by the Judicial Council;
- (10) Allowing the Campaign Spending Commission to assess fines, rather than requiring fines to be assessed;
- (11) Making various clarifying amendments to the public funding of campaigns law and committee reporting requirements; and
- (12) Making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 128, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 128, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.


Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Government Operations,

  
BRIAN T. TANIGUCHI, Chair



The Senate  
 Twenty-Fifth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Government Operations**  
**JGO**

Bill / Resolution No.:* <b>HB128, HD1</b>	Committee Referral: <b>JGO</b>	Date: <b>4/9/2009</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert	✓			
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam		✓		
<b>TOTAL</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes