

COMMITTEE ON JUDICIARY
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

Friday, February 13,
Conference Room 325, Hawaii State Capitol

TESTIMONY in OPPOSITION to HB 345

Bart Dame, testifying as an individual

Aloha Chairman Karamatsu, Vice Chair Ito, and Members of the Judiciary Committee. Thank you for this opportunity to testify.

My name is Bart Dame. I am testifying today as an individual, but my testimony reflects things I learned over the years working on the issue of public financing, including my experience during the last two past sessions while serving as co-chair of the state Democratic Party's Legislative Committee.

Many of you are aware of the history of the long effort to pass a bill for public financing of elections. Early efforts called for adoption of a statewide voluntary system which covered all races. The bill was too ambitious, ran into resistance and was scaled back to only cover state House races.

The advocates for public financing tried various approaches. At times, in the frustration, they became very combative and started publicly targeting specific legislators they blamed for blocking passage. As co-chair of the Democratic Party's Legislative Committee, I tried to advise them to tone down their attacks and take a gentler approach. Sometimes they listened, sometimes they did not.

After working for a couple of sessions to pass public financing for House races, they hit upon the possibility of scaling back the proposal even further. They met with Big Island County Council members and found them receptive to legislation which would use the Big Island County races as a "pilot project" to test out and refine public financing mechanisms.

As "Hawaii Clean Elections" evolved into "Voter Owned Hawaii," developed new public leaders, adopted a more conciliatory tone towards elected officials, scaled down the proposal to just the Big Island, and won support of the BI council for the pilot project, the Party found itself better able to work with them and passage of this legislation became a top legislative priority for the Party.

I believe we played an important role in advising the advocates and in facilitating more productive communications between them and elected officials. Last session, we managed to come to an agreement after long years of struggle and pass the bill.

At the time, some of the more cynical people working on the bill noted that the program would not take effect until the election of 2010. They suggested the bill had been passed to disarm its advocates prior to the 2008 elections and predicted the bill would be amended or killed prior to

implementation. I assured them the Legislature was proceeding in good faith and the hard-won agreement would hold.

I recognize the right of the Legislature to reconsider legislation, but I do not understand the reasons for postponing implementation of the agreed upon pilot project. Despite our current economic crisis, the bill would not require expenditure of scarce General Funds. The funding would come from the Election Commissions special fund, reserved for the purpose of financing elections.

I recognize the Big Island County Council has had a change of leadership and is supporting the postponement. I have not had an opportunity to review their reasoning, but would note this is a pilot project, capable of being adjusted as we learn more. If the current mechanisms are not perfect, candidates will have the option of using the traditional system should that be more attractive. Those candidates wanting to use the traditional funding sources would have that option. Candidates wanting, in some cases possibly PLANNING, to use the public financing, should be allowed the option.

I have heard the argument from the Campaign Spending Commission and am not convinced by their reasoning. The CSC has long opposed the approach taken by Voter Owned Hawaii, preferring instead, the current system. Frankly, I think the current system has been very unsuccessful in freeing up elected officials from having to seek private funding for their campaigns or in drawing new candidates into running for office. But the Big Island pilot project would not replace the current system. It is an experiment to see if an alternative approach might be more attractive to some candidates.

The main publicly stated argument from the CSC appears to be the claim the "equalizing funds" component of the program has been found to be unconstitutional. I think that argument is overstated and would note the CSC failed to disclose other federal courts have explicitly ruled the program is NOT unconstitutional. The Arizona ruling is no more binding on Hawaii than the rulings from federal courts in other circuits, unless or until it is upheld by the Ninth Circuit Court or the US Supreme Court.

In closing, I urge you to not pass this bill. Many of us have labored long and hard, sometimes bitterly, sometimes more cooperatively to reach agreement. We did so last session with a scaled down bill for a pilot project. Let us implement the project as planned, evaluate the experiment, and THEN see what modifications might be justified. Postponing the program for four years is virtually the same as killing the program and reinforces cynicism about the willingness of elected officials to allow ANY candidates a chance of successfully running for office without private personal wealth or sponsorship for special interest groups.

Thank you for this opportunity to testify on this important matter

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