
A BILL FOR AN ACT

RELATING TO CAMPAIGN SPENDING.

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

1 SECTION 1. Act 244, Session Laws of Hawaii 2008, is
2 amended by adding a new section to read as follows:

3 "SECTION 7A. Matching payments for qualified small dollar
4 contributions. (a) Notwithstanding any other law or provision
5 to the contrary, the commission shall pay to each participating
6 candidate an amount equal to four hundred per cent of the amount
7 of qualified small dollar contributions received by the
8 candidate from individuals who are registered voters who reside
9 in the district in which the participating candidate is seeking
10 nomination or election at the time the contribution is given.

11 (b) The maximum payment under this section shall be two
12 hundred per cent of the base amount of public funding for a
13 primary election or general election, as the case may be, as
14 determined under section 12.

15 (c) The commission shall make payments under this section
16 not later than two business days after the receipt of a report
17 made under subsection (d).



1 (d) Each participating candidate shall file reports of
2 receipts of qualified small dollar contributions no more
3 frequently than:

4 (1) Once every week after the date that is sixty days
5 prior to the primary election until the date that is
6 twenty one days before the primary election; and

7 (2) Once every other day after the date that is twenty one
8 days before the primary election until one day before
9 the general election."

10 SECTION 2. Act 244, Session Laws of Hawaii 2008, section
11 2, is amended as follows:

12 1. By adding a new definition to read:

13 "Qualified small dollar contribution" means any
14 contribution to a comprehensive publicly funded candidate that:

15 (1) Is not a qualifying contribution;

16 (2) Is received by the candidate beginning on a date that
17 is sixty days before the primary election and ending
18 on a date that is one day before the general election;
19 and

20 (3) The aggregate amount of which does not exceed \$20."

21 2. By amending the definition of "qualifying period" to
22 read:



1 "Qualifying period" means the period in a general election
2 year, beginning [~~January 1~~] November 15 of the year prior to the
3 general election year and ending on the deadline for filing
4 candidate nomination papers during which a candidate may collect
5 qualifying contributions to qualify for comprehensive public
6 funding under this part; provided the commission has determined
7 that the Hawaii election campaign fund has sufficient funds to
8 make payments to comprehensive publicly funded candidates during
9 the election period."

10 3. By repealing the definition of "equalizing funds".

11 ~~["Equalizing funds" means additional public funds released~~
12 ~~by the commission to a comprehensive publicly funded candidate~~
13 ~~to allow the publicly funded candidate to stay financially~~
14 ~~competitive with a nonparticipating candidate in a contested~~
15 ~~election and to penalize a nonparticipating candidate for filing~~
16 ~~false or late reports."]~~

17 SECTION 3. Act 244, Session Laws of Hawaii 2008, section
18 4, is amended by amending subsection (a) to read as follows:

19 "(a) A candidate may seek comprehensive public funding for
20 the primary election campaign period if the candidate:

21 (1) Resides in the district from which election is sought
22 as of the date of the filing of nomination papers for



- 1 the primary election in the general election year in
2 which the candidate seeks to be nominated or elected;
- 3 (2) Is a registered voter in the district from which
4 election is sought;
- 5 (3) Files a declaration of intent to seek comprehensive
6 public funding with the commission between [~~January 1~~
7 ~~of~~] November 15 of the year prior to the election year
8 and thirty days before the closing date to file
9 nomination papers to run for office for which the
10 candidate intends to seek election;
- 11 (4) Collects a \$5 qualifying contribution in accordance
12 with section 7;
- 13 (5) Accepts only the following contributions prior to
14 applying for certification as a comprehensive publicly
15 funded candidate:
- 16 (A) Seed money contributions until the candidate
17 files a declaration of intent to seek
18 comprehensive public funding; and
- 19 (B) Qualifying contributions that may be accepted
20 only after filing the declaration of intent to
21 seek comprehensive public funding;
- 22 and



1 (6) Files an application for certification for
2 comprehensive public funding with the commission."

3 SECTION 4. Act 244, Session Laws of Hawaii 2008, section
4 7, is amended by amending subsection (b) to read as follows:

5 "(b) No qualifying contribution shall be collected prior
6 to a candidate filing a declaration of intent to seek
7 comprehensive public funding with the commission[-] or later
8 than sixty days prior to the primary election."

9 SECTION 5. Act 244, Session Laws of Hawaii 2008, section
10 12, is amended as follows:

11 1. By amending subsections (a) and (b) to read:

12 "(a) The commission shall not distribute comprehensive
13 public funding to certified candidates that exceeds the total
14 amount of [~~\$300,000~~] \$560,000 for all candidates subject to this
15 part in any given election year in which this part is operative.

16 (b) Beginning January 1 of a general election year and
17 ending with the deadline to submit applications for
18 certification, the commission shall post on its website a
19 monthly report stating, by district:

20 (1) The number of declarations of intent to seek
21 comprehensive public funding received;

22 (2) The number of applications for certification received;



1 (3) The number of candidates who have been certified for
2 comprehensive public funding;

3 (4) The amount of public funding committed to certified
4 candidates; and

5 (5) The amount of public funding available for additional
6 certified candidates.

7 Notwithstanding any other provisions in this part, if the
8 commission determines that the revenues are insufficient to meet
9 distributions to certified candidates under this section or
10 [~~\$300,000~~] \$560,000 is distributed, the commission shall permit
11 certified candidates to accept and spend contributions, subject
12 to the campaign contribution limitations set forth in section
13 11-204, Hawaii Revised Statutes, up to the applicable amounts,
14 including [~~equalizing funds~~] matching payments for qualified
15 small dollar contributions the certified candidate would have
16 received from comprehensive public funding."

17 2. By amending subsection (f) to read:

18 "(f) Public funds, including [~~equalizing funds,~~] matching
19 payments for qualified small dollar contributions, shall be paid
20 to a certified candidate by the comptroller in the manner
21 prescribed in section 11-222, Hawaii Revised Statutes."



1 SECTION 6. Act 244, Session Laws of Hawaii 2008, is
2 amended by repealing section 3.

3 [~~SECTION 3. Sufficiency of funding for comprehensive
4 public funding. On September 1 of each odd-numbered year before
5 the general election years of 2010, 2012, and 2014, the
6 commission shall determine whether there is a minimum of
7 \$3,500,000 in the Hawaii election campaign fund established
8 under section 11-217, Hawaii Revised Statutes, to certify
9 participating candidates during the next election and provide
10 funding for comprehensive public funding for elections under
11 this part.~~

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

19 ~~If this part is inoperative, candidates may seek public
20 funding as provided under subpart B of part XII of chapter 11,
21 Hawaii Revised Statutes.~~"]



1 SECTION 7. Act 244, Session Laws of Hawaii 2008, is
2 amended by repealing section 13.

3 ~~["SECTION 13. Equalizing funds; sufficiency of funds. (a)~~
4 ~~Equalizing funds, subject to the expenditure cap in section~~
5 ~~12(a), shall be disbursed in the amounts provided in this~~
6 ~~section to a certified candidate in a contested election~~
7 ~~whenever that candidate is outspent by an opposing~~
8 ~~nonparticipating candidate.~~

9 ~~(b) An opposing nonparticipating candidate is deemed to~~
10 ~~have outspent a certified candidate when the campaign report~~
11 ~~filed pursuant to this subpart shows that the nonparticipating~~
12 ~~candidate's committee's expenditures or contributions, whichever~~
13 ~~is greater, added to any independent expenditures made in~~
14 ~~support of that nonparticipating candidate or against the~~
15 ~~opposing certified candidate reported by any person, minus any~~
16 ~~independent expenditures made in support of the certified~~
17 ~~candidate or against the nonparticipating candidate reported by~~
18 ~~any person exceeds one hundred per cent of the base amount for~~
19 ~~the certified candidate.~~

20 ~~(c) In a contested election, the aggregate amount of~~
21 ~~equalizing funds shall be limited to an amount equal to the base~~
22 ~~amount allotted to the certified candidate regardless of the~~



1 ~~amount of contributions received or expenditures made by an~~
2 ~~opposing nonparticipating candidate; independent expenditures~~
3 ~~made in support of that nonparticipating candidate or against~~
4 ~~the opposing certified candidate; or the failure to file an~~
5 ~~excess report on or before the due date by the nonparticipating~~
6 ~~candidate or filing of a false excess report.~~

7 ~~Twenty five per cent of the base amount shall be paid to~~
8 ~~the certified participating candidate in the manner prescribed~~
9 ~~in section 11-222, Hawaii Revised Statutes, if the commission~~
10 ~~determines that the nonparticipating candidate's committee's~~
11 ~~expenditures or contributions, whichever is greater, added to~~
12 ~~any independent expenditures made in support of that~~
13 ~~nonparticipating candidate or against the opposing certified~~
14 ~~candidate reported by any person, minus any independent~~
15 ~~expenditures made in support of the certified candidate or~~
16 ~~against the nonparticipating candidate reported by any person:~~

- 17 ~~(1) Exceeds one hundred per cent but is less than one~~
18 ~~hundred twenty five per cent,~~
- 19 ~~(2) Is equal to or exceeds one hundred twenty five per~~
20 ~~cent but is less than one hundred fifty per cent,~~
- 21 ~~(3) Is equal to or exceeds one hundred fifty per cent but~~
22 ~~is less than one hundred seventy five per cent; or~~



1 ~~(4) Is equal to or exceeds one hundred seventy five per~~
 2 ~~cent~~
 3 ~~of the certified candidate's base amount."]~~

4 SECTION 8. Statutory material to be repealed is bracketed
 5 and stricken. New statutory material is underscored.

6 SECTION 9. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Humina Nowiri

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JAN 26 2011



Report Title:

Campaign Spending; Island of Hawaii Public Funding Pilot Program

Description:

Amends Hawaii public funding pilot project to raise the program cap, to repeal the requirement of a minimum fund amount, to extend the period for signature collection, and clarify provision of matching funds.

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