
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 be appropriately designated
3 and to read as follows:

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

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

16 (c) The commission shall make payments under this section
17 not later than five business days after the receipt of a report
18 filed pursuant to subsection (d).



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

4 (1) Once every week during the period from sixty days
5 before the primary election until the twenty one days
6 before the primary election; and

7 (2) Once every other day during the period from 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 2
11 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 during the period from
17 sixty days before the primary election until one day
18 before the general election; and

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

20



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

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

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

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

19 SECTION 3. Act 244, Session Laws of Hawaii 2008, section
20 4, is amended by amending subsection (a) to read as follows:

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



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



1 (B) Qualifying contributions that may be accepted
2 only after filing the declaration of intent to
3 seek comprehensive public funding; and

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

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

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

13 SECTION 5. Act 244, Session Laws of Hawaii 2008, section
14 12, is amended as follows:

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

16 "(a) The commission shall not distribute comprehensive
17 public funding ~~[to certified candidates]~~ that exceeds the total
18 amount of ~~[\$300,000]~~ \$350,000 for all candidates subject to this
19 part in any given election year in which this part is operative.

20 (b) Beginning January 1 of a general election year and
21 ending with the deadline to submit applications for



1 certification, the commission shall post on its website a
2 monthly report stating, by district:

- 3 (1) The number of declarations of intent to seek
4 comprehensive public funding received;
- 5 (2) The number of applications for certification received;
- 6 (3) The number of candidates who have been certified for
7 comprehensive public funding;
- 8 (4) The amount of public funding committed to certified
9 candidates; and
- 10 (5) The amount of public funding available for additional
11 certified candidates.

12 Notwithstanding any other provisions [~~in~~] of this part, if
13 the commission determines that [~~the~~] revenues are insufficient
14 to meet distributions to certified candidates under this section
15 or if [~~\$300,000~~] \$350,000 is distributed[~~7~~] in a single election
16 year, the commission shall permit certified candidates to accept
17 and spend contributions, subject to the campaign contribution
18 limitations set forth in section 11-204, Hawaii Revised
19 Statutes, up to the applicable amounts, including [~~equalizing~~
20 ~~funds~~] matching payments for qualified small dollar
21 contributions the certified candidate would have received from
22 comprehensive public funding."



1 2. By amending subsection (d) to read:

2 "(d) For general elections subject to this part, the base
3 amount of public funding shall be the average of the amount
4 spent by the winning candidates in the previous two county
5 council general elections of the same district[7] when a general
6 election was actually held, reduced by ten per cent."

7 3. By amending subsection (f) to read:

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

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

14 [~~"SECTION 3. **Sufficiency of funding for comprehensive**~~
15 ~~**public funding.** On September 1 of each odd-numbered year before~~
16 ~~the general election years of 2010, 2012, and 2014, the~~
17 ~~commission shall determine whether there is a minimum of~~
18 ~~\$3,500,000 in the Hawaii election campaign fund established~~
19 ~~under section 11-217, Hawaii Revised Statutes, to certify~~
20 ~~participating candidates during the next election and provide~~
21 ~~funding for comprehensive public funding for elections under~~
22 ~~this part.~~



1 ~~If the commission determines that there is sufficient~~
2 ~~funding, then within five business days, the commission shall~~
3 ~~publish notice statewide, pursuant to section 1-28.5, Hawaii~~
4 ~~Revised Statutes, that the comprehensive public funding program~~
5 ~~shall become effective on January 1 of the following year. If~~
6 ~~there is insufficient funding, then this part shall be~~
7 ~~inoperative.~~

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

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

13 [~~"SECTION 13. **Equalizing funds, sufficiency of funds.** (a)~~
14 ~~Equalizing funds, subject to the expenditure cap in section~~
15 ~~12(a), shall be disbursed in the amounts provided in this~~
16 ~~section to a certified candidate in a contested election~~
17 ~~whenever that candidate is outspent by an opposing~~
18 ~~nonparticipating candidate.~~

19 ~~(b) An opposing nonparticipating candidate is deemed to~~
20 ~~have outspent a certified candidate when the campaign report~~
21 ~~filed pursuant to this subpart shows that the nonparticipating~~
22 ~~candidate's committee's expenditures or contributions, whichever~~



1 ~~is greater, added to any independent expenditures made in~~
2 ~~support of that nonparticipating candidate or against the~~
3 ~~opposing certified candidate reported by any person, minus any~~
4 ~~independent expenditures made in support of the certified~~
5 ~~candidate or against the nonparticipating candidate reported by~~
6 ~~any person exceeds one hundred per cent of the base amount for~~
7 ~~the certified candidate.~~

8 ~~(c) In a contested election, the aggregate amount of~~
9 ~~equalizing funds shall be limited to an amount equal to the base~~
10 ~~amount allotted to the certified candidate regardless of the~~
11 ~~amount of contributions received or expenditures made by an~~
12 ~~opposing nonparticipating candidate; independent expenditures~~
13 ~~made in support of that nonparticipating candidate or against~~
14 ~~the opposing certified candidate; or the failure to file an~~
15 ~~excess report on or before the due date by the nonparticipating~~
16 ~~candidate or filing of a false excess report.~~

17 ~~Twenty five per cent of the base amount shall be paid to~~
18 ~~the certified participating candidate in the manner prescribed~~
19 ~~in section 11-222, Hawaii Revised Statutes, if the commission~~
20 ~~determines that the nonparticipating candidate's committee's~~
21 ~~expenditures or contributions, whichever is greater, added to~~
22 ~~any independent expenditures made in support of that~~



1 ~~nonparticipating candidate or against the opposing certified~~
 2 ~~candidate reported by any person, minus any independent~~
 3 ~~expenditures made in support of the certified candidate or~~
 4 ~~against the nonparticipating candidate reported by any person:~~

- 5 ~~(1) Exceeds one hundred per cent but is less than one~~
- 6 ~~hundred twenty five per cent;~~
- 7 ~~(2) Is equal to or exceeds one hundred twenty five per~~
- 8 ~~cent but is less than one hundred fifty per cent;~~
- 9 ~~(3) Is equal to or exceeds one hundred fifty per cent but~~
- 10 ~~is less than one hundred seventy five per cent; or~~
- 11 ~~(4) Is equal to or exceeds one hundred seventy five per~~
- 12 ~~cent~~

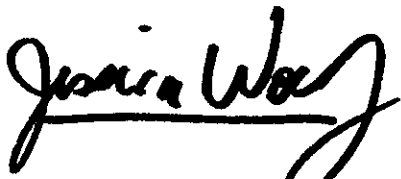
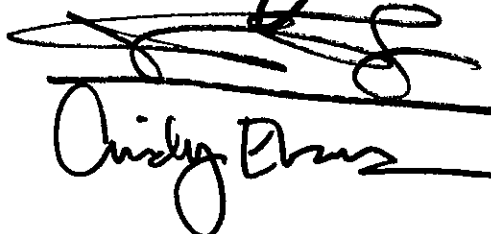
13 ~~of the certified candidate's base amount."]~~

14 SECTION 8. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

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

17

INTRODUCED BY: 

H.B. NO. 2700

Report Title:

Campaign Spending; Hawaii County Council Public Funding Pilot Program

Description:

Amends public funding pilot project for county of Hawaii county council elections to raise the program cap, repeal the requirement of a minimum fund amount, extend the period for signature collection, clarify provision of matching funds, and to clarify that the formula to determine the amount of funds given to a publicly funded candidate is based on the prior two general elections actually held for the county council seat in that district.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

