
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. The legislature finds that the Hawaii State
2 Constitution established partial public financing of campaigns
3 for public offices of the State and its political subdivisions.
4 Candidate public financing programs are voluntary programs in
5 which public funds are provided to candidates who agree to limit
6 their campaign spending. The primary purpose of these programs
7 is to reduce the role of large amounts of private money raised
8 in political campaigns and the obligations that are or can
9 appear to be associated with these contributions. With the
10 influence of dark money on political campaigns, the role of
11 public financing is becoming more crucial than ever.

12 The legislature also believes that the amount of money
13 available to candidates choosing to seek public financing should
14 be increased to better keep up with the increasing cost of
15 campaigns.

16 The legislature further finds that the money in the Hawaii
17 election campaign fund is the source of funding for the State's



1 partial public financing of campaigns. Currently, this fund
2 only receives moneys through legislative appropriations and
3 through persons who designate a portion of their income tax
4 liability to the fund. However, the amount of money in the fund
5 is insufficient to finance a significant number of candidates.

6 The legislature believes that increasing the fees for the
7 filing of nomination papers for public office for those
8 candidates choosing to raise private money and not participating
9 in the public financing program, and in turn dedicating those
10 moneys to the Hawaii election campaign fund, can increase the
11 amount of moneys available to public financing program
12 candidates, while encouraging a reduction in the amount of
13 private money and the appearance of conflicts of interest
14 overall.

15 The legislature also finds that cost should not be a
16 barrier to run for public office. Therefore, retaining the
17 ability to file nomination papers at significantly reduced cost
18 for public financing candidates, and without any fee for
19 indigent candidates, is important to ensure full participation
20 in the political process.



1 However, the amount of money in the Hawaii election
2 campaign fund is limited. Therefore, to ensure that the maximum
3 number of credible and serious candidates are able to receive
4 funds, candidates seeking public funds should demonstrate a
5 serious level of interest and collect a reasonable number of
6 signatures to prevent funds from being diluted by candidates
7 seeking only quick name recognition for themselves or their
8 endeavors, but are not serious about seeking elected office.

9 Additionally, the legislature finds that the date of the
10 primary election was recently advanced approximately one month
11 from September to August. However, the deadline to file
12 nomination papers to run for office was not similarly adjusted.
13 A deadline to file nomination papers that is closer to an
14 election limits the exposure of candidates to the public. By
15 restoring the deadline to file nomination papers to
16 approximately three months prior to the primary election, the
17 public will have additional time to learn about the candidates
18 running to represent them.

19 Accordingly, the purpose of this Act is to encourage
20 participation in democracy from the electorate by:



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- 1 (1) Requiring a portion of the fee for filing nomination
2 papers to be placed into the Hawaii election campaign
3 fund for the public financing of elections;
- 4 (2) Increasing the amount of money available to candidates
5 participating in the partial public financing program
6 by increasing expenditure limit upon which it is
7 based;
- 8 (3) Changing the amount of signatures required to file
9 nomination papers; and
- 10 (4) Changing the deadline to file nomination papers to the
11 first Tuesday in May.

12 SECTION 2. Section 11-421, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) The fund shall consist of:

- 15 (1) Moneys deposited pursuant to section 12-6;
- 16 [~~(1)~~] (2) All moneys collected from persons who have
17 designated a portion of their income tax liability to
18 the fund as provided in section 235-102.5(a);
- 19 [~~(2)~~] (3) Any general fund appropriations; and
- 20 [~~(3)~~] (4) Other moneys collected pursuant to this part."



1 SECTION 3. Section 11-423, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) From January 1 of the year of any primary, special,
4 or general election, the aggregate expenditures for each
5 election by a candidate who voluntarily agrees to limit campaign
6 expenditures, inclusive of all expenditures made or authorized
7 by the candidate alone, all treasurers, the candidate committee,
8 and noncandidate committees on the candidate's behalf, shall not
9 exceed the following base amounts expressed, respectively
10 multiplied by the number of voters in the last preceding general
11 election registered to vote in each respective voting district:

- 12 (1) For the office of governor--\$2.50;
- 13 (2) For the office of lieutenant governor--\$1.40;
- 14 (3) For the office of mayor--\$2.00;
- 15 (4) For the offices of state senator, state
16 representative, county council member, and prosecuting
17 attorney--\$1.40; and

18 (5) For all other offices--20 cents[-];
19 provided that, beginning in 2021 and each year thereafter, the
20 base amounts allowable under this subsection shall increase by
21 per cent per year, compounded annually."



1 SECTION 4. Section 12-5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§12-5 Nomination papers: number of signers. (a)
4 Nomination papers for candidates for members of Congress,
5 governor, and lieutenant governor shall be signed by not less
6 than [~~twenty-five~~] seventy-five registered voters of the State
7 or of the Congressional district from which the candidates are
8 running in the case of candidates for the United States House of
9 Representatives[-]; provided that nomination papers for
10 candidates for members of Congress, governor, and lieutenant
11 governor who voluntarily agree to limit their campaign
12 expenditures pursuant to chapter 11, part XIII, subpart J, shall
13 be signed by not less than three hundred registered voters of
14 the State or of the Congressional district from which the
15 candidates are running in the case of candidates for the United
16 States House of Representatives.

17 (b) Nomination papers for candidates for either branch of
18 the legislature and for county office other than the office of
19 the mayor shall be signed by not less than [~~fifteen~~] twenty-five
20 registered voters of the district or county or subdivision
21 thereof for which the person nominated is a candidate[-];



1 provided that nomination papers for candidates for either branch
2 of the legislature and for county office other than mayor who
3 voluntarily agrees to limit their campaign expenditures pursuant
4 to chapter 11, part XIII, subpart J, shall be signed by not less
5 than one hundred registered voters of the district or county or
6 subdivision thereof for which the person nominated is a
7 candidate.

8 (c) Nomination papers for candidates for the respective
9 office of the mayor for each county shall be signed by not less
10 than fifty registered voters of the county for which the person
11 nominated is a candidate; provided that nomination papers for
12 candidates for mayors who voluntarily agrees to limit their
13 campaign expenditures pursuant to chapter 11, part XIII, subpart
14 J, shall be signed by not less than two hundred registered
15 voters of the county for which the person nominated is a
16 candidate.

17 ~~[-e-]~~ (d) Nomination papers for candidates for members of
18 the board of trustees of the office of Hawaiian affairs shall be
19 signed by not less than twenty-five persons registered to vote.



1 [~~d~~] (e) No signatures shall be required on nomination
2 papers for candidates filing to run in a special primary or
3 special election to fill a vacancy."

4 SECTION 5. Section 12-6, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By amending subsection (a) to read:

7 "(a) For members of Congress, state offices, county
8 offices, and the board of trustees for the office of Hawaiian
9 affairs, nomination papers shall be filed with the chief
10 election officer, or clerk in case of county offices, [~~not~~] no
11 later than 4:30 p.m. on the first Tuesday in [~~June-~~] May.
12 However, in the event of a special primary or special election,
13 the filing deadline shall be determined in the proclamation that
14 is issued calling for the election as provided for by state law
15 or county charter. A state candidate from the counties of
16 Hawaii, Maui, and Kauai may file the declaration of candidacy
17 with the respective clerk. The clerk shall transmit to the
18 office of the chief election officer the state candidate's
19 declaration of candidacy without delay."

20 2. By amending subsection (c) to read:



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1 "[+] (c) [+] There shall be deposited with each nomination
 2 paper a filing fee on account of the expenses attending the
 3 holding of the primary, special primary, or special election,
 4 one-half of which shall be paid into the Hawaii election
 5 campaign fund established pursuant to section 11-421, and one-
 6 half of which shall be paid into the treasury of the State, or
 7 county, as the case may be, as a realization:

- 8 (1) For United States senators and United States
 9 representatives-- [~~\$75+~~] \$3,000;
- 10 (2) For governor and lieutenant governor-- [~~\$750+~~] \$3,000;
- 11 (3) For mayor-- [~~\$500+~~] \$2,000; and
- 12 (4) For all other offices-- [~~\$250-~~] \$1,000."

13 3. By amending subsection (e) to read:

14 "(e) Upon the showing of a certified copy of an affidavit
 15 which has been filed with the campaign spending commission
 16 pursuant to section 11-423 by a candidate who has voluntarily
 17 agreed to abide by spending limits, the chief election officer
 18 or clerk shall discount the filing fee of the candidate by the
 19 following amounts:

- 20 (1) For the office of governor and lieutenant governor--
 21 [~~\$675+~~] \$2,700;



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1 (2) For the office of mayor-- [~~\$450,~~] \$1,800; and

2 (3) For all other offices-- [~~\$225,~~] \$900."

3 SECTION 6. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect upon its approval.

6

INTRODUCED BY: Clay
~~[Signature]~~
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JAN 23 2020

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Report Title:

Elections; Hawaii Election Campaign Fund; Filing of Nomination Papers; Signatures; Fees; Deadline

Description:

Requires nomination paper filing fees to be deposited into the Hawaii election campaign fund. Increases the amount of public funds available to candidates who agree to expenditure limits. Adjusts the signature requirement and fee amount for nomination papers. Amends the deadline to file nomination papers to the first Tuesday in May.

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