
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 PART I

2 SECTION 1. Section 11-410, Hawaii Revised Statutes, is
3 amended as follows:

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

5 "(a) The commission may make a decision or issue an order
6 affecting any person violating any provision of this part [~~e~~
7 ~~section 281-22~~] that may provide for the assessment of an
8 administrative fine as follows:

9 (1) If [~~an individual,~~] a person other than a person
10 described in paragraph (2), an amount not to exceed
11 \$1,000 for each occurrence or an amount [~~equivalent~~
12 ~~to~~] not to exceed three times the amount of an
13 unlawful contribution or expenditure; or

14 (2) If a [~~corporation, organization, association, or labor~~
15 ~~union,~~] noncandidate committee that makes only
16 independent expenditures and, in one election period,
17 has either received at least one contribution of more



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

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

13 The legislature further finds that the money in the Hawaii
14 election campaign fund is the source of funding for the State's
15 partial public financing of campaigns. Currently, this fund
16 only receives moneys through legislative appropriations and
17 through persons who designate a portion of their income tax
18 liability to the fund. However, the amount of money in the fund
19 is insufficient to finance a significant number of candidates.

20 The legislature believes that increasing the fees for the
21 filing of nomination papers for public office for those



1 candidates choosing to raise private money and not participating
2 in the public financing program, and in turn dedicating those
3 moneys to the Hawaii election campaign fund, can increase the
4 amount of moneys available to public financing program
5 candidates, while encouraging a reduction in the amount of
6 private money and the appearance of conflicts of interest
7 overall.

8 The legislature also finds that cost should not be a
9 barrier to run for public office. Therefore, retaining the
10 ability to file nomination papers at a significantly reduced
11 cost for public financing candidates, and without any fee for
12 indigent candidates, is important to ensure full participation
13 in the political process.

14 However, the amount of money in the Hawaii election
15 campaign fund is limited. Therefore, to ensure that the maximum
16 number of credible and serious candidates are able to receive
17 funds, candidates seeking public funds should demonstrate a
18 serious level of interest and collect a reasonable number of
19 signatures to prevent funds from being diluted by candidates
20 seeking only quick name recognition for themselves or their
21 endeavors, but are not serious about seeking elected office.



1 Additionally, the legislature finds that the date of the
2 primary election was recently advanced approximately one month
3 from September to August. However, the deadline to file
4 nomination papers to run for office was not similarly adjusted.
5 A deadline to file nomination papers that is closer to an
6 election limits the exposure of candidates to the public. By
7 restoring the deadline to file nomination papers to
8 approximately three months before the primary election, the
9 public will have additional time to learn about the candidates
10 running to represent them.

11 Accordingly, the purpose of this part is to encourage
12 participation in democracy from the electorate by:

- 13 (1) Requiring a portion of the fee for filing nomination
14 papers to be placed into the Hawaii election campaign
15 fund for the public financing of elections;
- 16 (2) Increasing the amount of money available to candidates
17 participating in the partial public financing program
18 by increasing the expenditure limit upon which it is
19 based;
- 20 (3) Changing the amount of signatures required to file
21 nomination papers; and



1 (4) Changing the deadline to file nomination papers to the
2 first Tuesday in May.

3 SECTION 3. Section 11-421, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) The fund shall consist of:

6 (1) Moneys deposited pursuant to section 12-6;

7 [~~1~~] (2) All moneys collected from persons who have
8 designated a portion of their income tax liability to
9 the fund as provided in section 235-102.5(a);

10 [~~2~~] (3) Any general fund appropriations; and

11 [~~3~~] (4) Other moneys collected pursuant to this part."

12 SECTION 4. Section 11-423, Hawaii Revised Statutes, is
13 amended by amending subsection (d) to read as follows:

14 "(d) From January 1 of the year of any primary, special,
15 or general election, the aggregate expenditures for each
16 election by a candidate who voluntarily agrees to limit campaign
17 expenditures, inclusive of all expenditures made or authorized
18 by the candidate alone, all treasurers, the candidate committee,
19 and noncandidate committees on the candidate's behalf, shall not
20 exceed the following base amounts expressed, respectively



1 multiplied by the number of voters in the last preceding general
2 election registered to vote in each respective voting district:

3 (1) For the office of governor--\$2.50;

4 (2) For the office of lieutenant governor--\$1.40;

5 (3) For the office of mayor--\$2.00;

6 (4) For the offices of state senator, state
7 representative, county council member, and prosecuting
8 attorney--\$1.40; and

9 (5) For all other offices--20 cents[-];

10 provided that, beginning January 1, 2022, and each year
11 thereafter, the base amounts allowable under this subsection
12 shall increase by per cent per year, compounded annually."

13 SECTION 5. Section 12-5, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§12-5 Nomination papers: number of signers.** (a)
16 Nomination papers for candidates for members of Congress,
17 governor, and lieutenant governor shall be signed by not less
18 than [~~twenty-five~~] seventy-five registered voters of the State
19 or of the Congressional district from which the candidates are
20 running in the case of candidates for the United States House of
21 Representatives[-]; provided that nomination papers for



1 candidates for members of Congress, governor, and lieutenant
2 governor who voluntarily agree to limit their campaign
3 expenditures pursuant to chapter 11, part XIII, subpart J, shall
4 be signed by not less than three hundred registered voters of
5 the State or of the Congressional district from which the
6 candidates are running in the case of candidates for the United
7 States House of Representatives.

8 (b) Nomination papers for candidates for either branch of
9 the legislature and for county office, other than the office of
10 the mayor, shall be signed by not less than [~~fifteen~~]
11 twenty-five registered voters of the district or county or
12 subdivision thereof for which the person nominated is a
13 candidate[-]; provided that nomination papers for candidates for
14 either branch of the legislature and for county office, other
15 than the office of the mayor, who voluntarily agree to limit
16 their campaign expenditures pursuant to chapter 11, part XIII,
17 subpart J, shall be signed by not less than one hundred
18 registered voters of the district or county or subdivision
19 thereof for which the person nominated is a candidate.

20 (c) Nomination papers for candidates for the respective
21 office of the mayor for each county shall be signed by not less



1 than fifty registered voters of the county for which the person
2 nominated is a candidate; provided that nomination papers for
3 candidates for the respective office of the mayor for each
4 county who voluntarily agree to limit their campaign
5 expenditures pursuant to chapter 11, part XIII, subpart J, shall
6 be signed by not less than two hundred registered voters of the
7 county for which the person nominated is a candidate.

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

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

14 SECTION 6. Section 12-6, Hawaii Revised Statutes, is
15 amended as follows:

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

17 "(a) For members of Congress, state offices, county
18 offices, and the board of trustees for the office of Hawaiian
19 affairs, nomination papers shall be filed with the chief
20 election officer, or clerk in case of county offices, [~~not~~] no
21 later than 4:30 p.m. on the first Tuesday in [~~June-~~] May.



1 However, in the event of a special primary or special election,
2 the filing deadline shall be determined in the proclamation that
3 is issued calling for the election as provided for by state law
4 or county charter. A state candidate from the counties of
5 Hawaii, Maui, and Kauai may file the declaration of candidacy
6 with the respective clerk. The clerk shall transmit to the
7 office of the chief election officer the state candidate's
8 declaration of candidacy without delay."

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

10 "[+] (c) [+] There shall be deposited with each nomination
11 paper a filing fee [~~on account of the expenses attending the~~
12 ~~holding of the primary, special primary, or special election]~~
13 which shall be paid into the [~~treasury of the State, or county,~~
14 ~~as the case may be, as a realization:~~] Hawaii election campaign
15 fund established pursuant to section 11-421:

- 16 (1) For United States senators and United States
17 representatives-- [~~\$75,~~] \$3,000;
18 (2) For governor and lieutenant governor-- [~~\$750,~~] \$3,000;
19 (3) For mayor-- [~~\$500,~~] \$2,000; and
20 (4) For all other offices-- [~~\$250,~~] \$1,000."

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



Report Title:

Elections; Fines; Noncandidate Committees; Independent Expenditures; Partial Public Financing; Nomination Papers

Description:

Amends the assessment of administrative fines for persons and certain noncandidate committees making only independent expenditures that violate Hawaii's campaign finance laws. Allows the Campaign Spending Commission to order that payment of a fine assessed against a noncandidate committee, or any portion thereof, be paid from the personal funds of an officer of the noncandidate committee. 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 beginning 1/1/2022. Increases the number of signatures and fees required to file nomination papers. Amends the deadline to file nomination papers to the first Tuesday in May. Takes effect on 7/1/2050. (HD1)

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

