



SCOTT T. NAGO  
CHIEF ELECTION OFFICER

**STATE OF HAWAII**  
**OFFICE OF ELECTIONS**  
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TESTIMONY OF THE  
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS  
TO THE HOUSE COMMITTEE ON JUDICIARY  
ON HOUSE BILL NO. 2735  
RELATING TO ELECTIONS

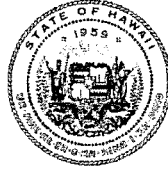
February 4, 2020

Chair Lee and members of the House Committee on Judiciary, thank you for the opportunity to provide comments on House Bill No. 2735. The purpose of this bill is to require nomination paper filing fees to be deposited into the Hawaii election campaign fund; increase the amount of public funds available to candidates who agree to expenditure limits; adjust the signature requirement and fee amount for nomination papers; and amend the deadline to file nomination papers to the first Tuesday in May.

Since candidate filing for the 2020 Elections has already begun, as of February 3, 2020, we would propose amending the effective date to after the conclusion of the 2020 Elections, rather than upon approval. We are concerned that various changes to the candidate filing process may create issues if the bill was enacted prior to the June 2, 2020 deadline.

Thank you for the opportunity to testify on House Bill No. 2735.

KRISTIN E. IZUMI-NITAO  
EXECUTIVE DIRECTOR



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STATE OF HAWAII  
CAMPAIGN SPENDING COMMISSION  
235 SOUTH BERETANIA STREET, ROOM 300  
HONOLULU, HAWAII 96813



February 3, 2020

TO: The Honorable Chris Lee, Chair  
House Committee on Judiciary

The Honorable Joy A. San Buenaventura, Vice Chair  
House Committee on Judiciary

Members of the House Committee on Judiciary

FROM: Kristin Izumi-Nitao, Executive Director *KIN*  
Campaign Spending Commission

SUBJECT: **Testimony on H.B. No. 2735, Relating to Elections**

Tuesday, February 4, 2020  
2:05 p.m., Conference Room 325

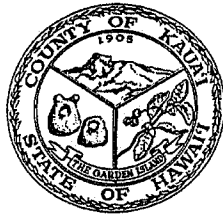
Thank you for the opportunity to testify on this bill. The Campaign Spending Commission ("Commission") appreciates the intent of this bill and offers the following comments.

This measure (Sections 2 and 5) significantly increases the fees for the filing of nomination papers and places one-half of the filing fees into the Hawaii Election Campaign Fund ("HECF"). This measure also increases the expenditure limits provided in Hawaii Revised Statutes ("HRS") §11-423 by an unspecified percentage per year (Section 3), increases the number of signatures of registered voters needed on nomination papers (Section 4), and moves up the deadline for filing nomination papers from June to May (Section 5).

The Commission supports additional funding for the HECF if public financing is increased for candidates. As of December 31, 2019, the balance of the HECF was \$1,106,169.62. The HECF is presently funded only by the tax check-off and the interest earned on the balance. Yet, the Commission is concerned that the proposed increases to the filing fees may discourage people from running for office. Finally, the Commission is unaware of the fiscal impact this bill would have on the Office of Elections and County Clerk Offices.

JADE K. FOUNTAIN-TANIGAWA  
County Clerk

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ELECTIONS DIVISION  
OFFICE OF THE COUNTY CLERK  
4386 RICE STREET, SUITE 101  
LIHU'E, KAUA'I, HAWAII 96766-1819

**LATE**

February 4, 2020

TESTIMONY OF JADE K. FOUNTAIN-TANIGAWA  
COUNTY CLERK, COUNTY OF KAUA'I  
TO THE HOUSE COMMITTEE ON JUDICIARY  
ON HOUSE BILL NO. 2735  
RELATING TO ELECTIONS

Chair Lee and Committee Members:

Thank you for the opportunity to offer comments of House Bill 2735. This Bill would require nomination paper filing fees to be deposited into the Hawaii election campaign fund, increase the amount of public funds available to candidates who agree to expenditure limits, and adjust the signature requirement and fee amount for nomination papers. The Bill would also amend the deadline to file nomination papers to the first Tuesday in May.

Our office takes no position on the Bill but wishes to note that Hawai'i has historically maintained fairly easy access to the ballot. This Bill proposes increasing the number of signatures required on nomination papers and higher filing fees, which are often viewed as inhibiting ballot access.

We also note that the candidate filing period for the 2020 Elections has already started so moving the effective date to 2021 may be in order.

Thank you for this opportunity to offer comments on House Bill No. 2735.

JADE K. FOUNTAIN-TANIGAWA  
County Clerk

Statement Before The  
**HOUSE COMMITTEE ON JUDICIARY**

Tuesday, February 4, 2020

2:05 PM

State Capitol, Conference Room 325

in consideration of

**HB 2735****RELATING TO ELECTIONS.**

Chair LEE, Vice Chair SAN BUENAVENTURA, and Members of the House Judiciary Committee

Common Cause Hawaii supports HB 2735, with amendments, which (1) requires nomination paper filing fees to be deposited into the Hawaii Election Campaign Fund (HECF), (2) increases the amount of public funds available to candidates who agree to expenditure limits, (3) adjusts the signature requirement and fee amount for nomination papers, and (4) amends the deadline to file nomination papers to the first Tuesday in May.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy through improving our campaign finance system with laws that amplify the voices of everyday Americans by advocating for money in politics solutions that employ small-dollar donors to make an impact in campaigns and public financing of our elections.

Common Cause Hawaii supports Section 3 of HB 2735 (amending subsection (d), Section 11-423, Hawaii Revised Statutes (HRS)), which will increase the partial public financing amounts available to candidates by a certain percentage compounded annually. In the mid-1990s, increases to the partial public financing amount was removed from this provision. This language originally read: "An additional ten per cent increase shall be added to the base amounts allowable under subsection (a) and compounded annually starting in 1979 and each year thereafter." Partial public financing has not increased since 1995, and elections have only gotten more and more expensive since. Public financing needs to be increased to combat the corrosive influence of special interests in our politics. Common Cause Hawaii respectfully requests that the amount of increase be restored to 10% compounded annually to ensure that more candidates may be able to use public financing and not be beholden to special interests.

Common Cause Hawaii is not clear as to why Section 4 of HB 2735 provides that "nomination papers for candidates for members of Congress, governor, and lieutenant governor who voluntarily agree to limit their campaign expenditures pursuant to chapter 11, part XIII, subpart J, shall be signed by not less than three hundred registered voters of the State or of the Congressional district from which the candidates are running in the case of candidates for the United States House of Representatives." Page 6, lines 9-16. This requirement for signatures is significantly more for those who agree to limit their campaign expenditures than those who do not agree to limit their campaign expenditures – 300 versus 75 registered voters. Requiring candidates to obtain the signatures of 300 registered voters may actually discourage / prevent people from being able to limit their campaign expenditures.

Thus, Common Cause Hawaii suggests that Section 4 of HB 2735 be amended so that candidates who agree to limit their campaign expenditures should only have to obtain:

- 1) signatures of 75 registered voters and those who do not must obtain 300 registered voters' signatures for the offices of Congress, governor, and lieutenant governor.
- 2) signatures of 25 registered voters and those who do not must obtain 100 registered voters' signatures for either branch of the legislature and for county office other than the office of the mayor.
- 3) signatures of 50 registered voters for mayor for each county and those who do not must obtain 200 registered voters' signatures.

While Common Cause Hawaii supports raising the amounts of the nomination paper filing fee, proposed in Section 5 of HB 2735, with one-half to be deposited in the HECF, the amounts proposed are very high and may pose a significant barrier for new candidates, who do not qualify as indigent, filing to run for public office. Even the reduced amounts for candidates who agree to abide by the spending limits are still very high and may pose a significant barrier for such candidates.

Common Cause Hawaii suggests amending Section 5, subsection 2 of HB 2735 as follows, with one-half of the amounts to be deposited in the HECF:

- 1) for those who voluntarily agreed to abide by the campaign spending limits, the filing fees should remain the same as currently stated in HRS § 11-423.
- 2) for those who do not voluntarily agreed to abide by the campaign spending limits, the filing fees should be increased as proposed under HB 2735.
- 3) for those who do not voluntarily agree to abide by the campaign spending limits and are incumbents running for re-election, the increased filing fees proposed under HB 2735 should be doubled. Incumbents have name recognition and an established donor base, justifying a higher filing fee.

Thank you for the opportunity to testify in support of HB 2735, as amended. If you have further questions of me, please contact me at [sma@commoncause.org](mailto:sma@commoncause.org).

Very respectfully yours,

Sandy Ma  
Executive Director, Common Cause Hawaii





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www.lwv-hawaii.com | 808.531.7448 | voters@lwv-hawaii.com

COMMITTEE ON JUDICIARY  
TUESDAY, February 4, 2:05 pm, Room No. 325  
HB2735, RELATING TO ELECTIONS

**TESTIMONY**

Beppie Shapiro, Legislative Committee, League of Women Voters of Hawaii

Chair Lee, Vice-Chair San Buenaventura, and Committee Members:

**The League of Women Voters of Hawaii supports HB2735, and offers comments on some aspects of the bill, which would 1) deposit 1/2 of the fee for filing nomination papers, into the Hawaii Election Campaign Fund; 2) increase the amount of money available to candidates participating in the partial public financing program; 3) change the number of signatures required to file nomination papers, increasing the difference between the number of signatures for privately financed and partially publicly financed candidate filings; and 4) change the deadline for filing nomination papers to correspond to the earlier date of primary elections.**

The League of Women Voters, both nationally and in Hawaii, believes that publicly financed campaigns are essential for equity in access to public office and to controlling escalation of the cost of successful campaigns.

- 1) Deposit 1/2 of the fee for filing nomination papers, into the Hawaii Election Campaign Fund;** A healthy democracy does not require personal wealth, or wealthy donors, to run a successful political campaign for public office. That's why the partial public financing program was adopted almost 2 decades ago. It is important that this program be viable and user-friendly. The funds available (Hawaii Election Campaign Fund - HECF) to support these candidates are very limited. HB2735 proposes to increase the balance in the HECF which will allow it to support eligible candidates at modestly higher levels and potentially to support more eligible candidates. That would help Hawaii maintain equitable access to public office.
- 2) Increase the amount of money available to candidates participating in the partial public financing program.** Obviously, the amounts which partially publicly funded candidates are allowed to expend for their campaigns should increase with inflation, as otherwise their value decreases steadily until they aren't enough to fund a reasonably competitive campaign. These amounts have not changed since 1995, thus their true value has decreased significantly. **Comment:** We are uneasy with the blank percent of increase in HB2735. To keep the allowed expenditure amounts viable, we suggest that



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the percent should be tied to the annual increase in CPI, with an initial boost to compensate for 25 years without an increase.

- 3) **Change the number of signatures required to file nomination papers, increasing the difference between the number of signatures for privately financed and partially publicly financed candidate filings. Comment and proposed amendment :** While there may be justifiable reasons to increase the number of signatures for both publicly and privately financed candidates, we are unaware of any even marginally significant number of frivolous candidates. The proposed very large increase in the number of signatures required for publicly funded candidates in particular concerns us, in that the proposed difference in number of signatures for privately or publicly funded candidates seems to have the perverse effect of discouraging candidates from agreeing to limit their expenditures. First time candidates may be deterred by these numbers or simply unable to reach them. Incumbent candidates, or those who have previously held elected office at the same (state-wide or county) level, could more easily meet this bar. **Amending this measure** to a) require privately financed candidates to submit the same or greater number of signatures as those who seek partial public financing; and b) to distinguish between first-time candidates and incumbents of the same or same-level office, would encourage use of the partial public financing program and help level the playing field for candidates seeking elected offices for the first time. The League would be happy to work with the Committee in wording such an amendment.

Thank you for the opportunity to submit this testimony.

**HB-2735**

Submitted on: 2/3/2020 12:26:33 PM

Testimony for JUD on 2/4/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Best	Individual	Support	No

Comments:

I agree with testimony of Common Cause



**HB-2735**

Submitted on: 2/3/2020 2:09:19 PM

Testimony for JUD on 2/4/2020 2:05:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Golojuch Jr	Individual	Support	No

Comments:

**HB-2735**

Submitted on: 2/3/2020 2:53:27 PM

Testimony for JUD on 2/4/2020 2:05:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Randy Ching	Individual	Support	No

Comments:

Aloha Chair Lee, Vice Chair San Buenaventura and members of the committee,

I support HB2735. Please pass this bill.

Mahalo for the opportunity to testify.

Randy Ching

Honolulu (makikirandy@yahoo.com)

**HB-2735**

Submitted on: 2/3/2020 9:33:20 PM

Testimony for JUD on 2/4/2020 2:05:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Lee and Members of the House Committee of the Judiciary,

I am writing in support of HB2735. HB 2735, with amendments, shall (1) requires nomination paper filing fees to be deposited into the Hawaii Election Campaign Fund (HECF), (2) increases the amount of public funds available to candidates who agree to expenditure limits, (3) adjusts the signature requirement and fee amount for nomination papers, and (4) amends the deadline to file nomination papers to the first Tuesday in May.

I don't understand why Section 4 of HB 2735 provides that "nomination papers for candidates for members of Congress, governor, and lieutenant governor who voluntarily agree to limit their campaign expenditures pursuant to chapter 11, part XIII, subpart J, shall be signed by not less than three hundred registered voters of the State or of the Congressional district from which the candidates are running in the case of candidates for the United States House of Representatives." Page 6, lines 9-16. This requirement for signatures is significantly more for those who agree to limit their campaign expenditures than those who do not agree to limit their campaign expenditures – 300 versus 75 registered voters. Requiring candidates to obtain the signatures of 300 registered voters may actually discourage / prevent people from being able to limit their campaign expenditures.

Thus, Common Cause Hawaii suggests that Section 4 of HB 2735 be amended so that candidates who agree to limit their campaign expenditures should only have to obtain:

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While I support the raising of the amounts of the nomination paper filing fee, proposed in Section 5 of HB 2735, with one-half to be deposited in the HECF, the amounts proposed are very high and may pose a significant barrier for new candidates, who do not qualify as indigent, filing to run for public office. Even the reduced amounts for candidates who agree to abide by the spending limits are still very high and may pose a significant barrier for such candidates.

Mahalo,

Caroline Kunitake