



SB728
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS
Senate Committee on Hawaiian Affairs

February 5, 2019

1:15 p.m.

Room 016

The Office of Hawaiian Affairs (OHA) Committee on Beneficiary Advocacy and Empowerment will recommend that the OHA Board of Trustees **SUPPORT** SB728, which would increase the amount of money available from partial public funding to candidates for the Board of Trustees to match the amount available to candidates running for the office of lieutenant governor.

Like candidates for lieutenant governor, OHA trustee candidates conduct statewide campaigns. However, the existing partial public funding statute does not reflect this similarity: OHA trustee candidates are currently limited to \$1,500 in public funds in any election year, far less than the amount available to candidates for lieutenant governor.

SB728 would address this discrepancy, reflecting the wide geographical scope of the campaigns that OHA trustee candidates conduct.

Therefore, OHA urges the Committee to **PASS** SB728. Mahalo nui loa for the opportunity to testify on this important measure.

LATE

KRISTIN E. IZUMI-NITAO
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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

February 4, 2019

TO: The Honorable Maile S.L. Shimabukuro, Chair
Senate Committee on Hawaiian Affairs

The Honorable Kaiali`i Kahele, Vice Chair
Senate Committee on Hawaiian Affairs

Members of the Senate Committee on Hawaiian Affairs

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

SUBJECT: Testimony on S.B. No. 728, Relating to the Office of Hawaiian Affairs

Tuesday, February 5, 2019
1:15 p.m., Conference Room 016

Thank you for the opportunity to testify on this bill. The Campaign Spending Commission (“Commission”) provides the following comments on this bill.

This bill increases the amount of public funding available for candidates for the OHA Board by increasing the expenditure limit and maximum of public funds available. This bill aligns public financing for candidates for the OHA Board with candidates for the office of the Lieutenant Governor. The bill also repeals the provision that limited the maximum amount of funds available to OHA Board candidates to \$1,500 in an election year. Thus, the amount of public funding available to OHA Board candidates will increase significantly under this bill.

Currently, under Hawaii Revised Statutes (“HRS”) §11-423, the expenditure limit for OHA Board candidates is \$142,553 in the primary election and the same amount in the general election for the 2020 elections. Under HRS §11-425, the maximum amount of public funds available to OHA Board candidates is \$1,500 in the 2020 election year. The amendment in this bill to HRS §11-423 would increase the expenditure limit to \$997,871 in each election. This is a 700% increase in the expenditure limit for OHA Board candidates. In the 2018 elections, one of the twenty-four OHA Board candidates had total expenditures (primary and general elections combined) of \$122,308.83. The next highest spending candidate had total expenditures of \$45,384.96. Twelve candidates reported total expenditures of less than \$1,000. The amendment

in this bill to HRS §11-425 would increase the maximum amount of public funds available to OHA Board candidates to \$99,787 in the primary election and the same amount in the general election. This is an over 6,600% increase in the amount.¹

The Commission suggests that the bill be amended by deleting the amendment to HRS §11-423 and placing OHA Board candidates in subsection (b) (15% of the expenditure limit) of HRS §11-425 rather than subsection (a) (10% of the expenditure limit). If the foregoing is done, the expenditure limit per election for OHA Board candidates will remain the same at \$142,553 per election, but the maximum amount of public funds available will increase from \$1,500 in an election year to \$21,383 per election. In 2018, only four of the twenty-four candidates spent more than \$21,383 in each election. These are more realistic numbers than the ones proposed by this bill.²

¹ The increase is even more considering that the new maximum amount would be available in both the primary and general elections. Under present law, the maximum amount, \$1,500, is available for the whole election year.

² If expenditure limits and maximum amount of public funds available for OHA Board candidates align with those of candidates for the office of Lieutenant Governor, as this bill attempts to do, then the minimum qualifying contribution amount for OHA Board candidates should be raised to \$50,000 in HRS §11-429, which is the amount that must be raised by candidates for the office of Lieutenant Governor to qualify for public funding.

SB-728

Submitted on: 2/4/2019 3:39:04 PM

Testimony for HWN on 2/5/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Raytan K. Vares	Testifying for Democratic Party of Hawaii-Hawaiian Affairs Caucus	Support	No

Comments:

Aloha Chair Shimabukuro, Vice Chair Kahele, and members of the Hawaiian Affairs Committee:

The Hawaiian Affairs Caucus Executive Committee submits testimony in support of this measure. Increasing the amount of money available through the state's partial public campaign financing program may increase the participation amongst future OHA candidates in the program. Under the current campaign limits set for OHA candidates, it can be difficult to sustain an effective statewide campaign on these funds alone. All OHA elected offices are statewide seats, whereby all registered voters in Hawai'i cast their votes in these races. It is important to note that conventional sources of funding normally sought after by candidates for state and county elective offices, may not be as readily available to candidates for OHA due to the different constituencies served and issues dealt with by OHA trustees. Furthermore, public campaign financing rids away the influence of corporate money in politics and will ensure that OHA candidates (trustees) speak to the issues of most concern to beneficiaries. For these reasons, we urge your committee to pass the bill.

Mahalo for your consideration.



LATE

January 31, 2019

To: Senate Committee On Hawaiian Affairs
Senator Shimabukuro, Chair
Senator Kahele, Vice Chair

Re: SB 728 Relating to the Office of Hawaiian Affairs

Date: February 5, 2019

Time of Hearing: 1:15 p.m.

The Council for Native Hawaiian Advancement testifies in **Strong Support of SB 728** which increases the amount of money available from partial public funding to candidates running for the statewide office of Trustee for the Office of Hawaiian Affairs (OHA) to match the amount now available to candidates running for the statewide office of Lieutenant Governor.

Such a change is necessary because OHA candidates are elected statewide, just as the Lieutenant Governor is, yet OHA candidates are authorized by HRS 11-423(d)(5) to only receive partial public funding at the rate of \$.20 multiplied by the number of voters in the last general election, whereas a candidate for Lieutenant Governor is able to receive public funding at the rate of \$1.40 multiplied by the number of voters in the last general election. This \$1.20 in lesser funding per voter available to an OHA candidate compared to what the Lieutenant Governor is now able to receive is unfair and inequitable on its face, especially when one considers that both offices must run for election across the entire state.

Passage of SB 428 will decrease the financial burden on one's candidacy for the Office of Hawaiian Affairs, may increase the quality of the candidates running for the OHA board, and may encourage more individuals to stand and run for election for these OHA offices.

Respectfully,

Respectfully,

J. Kuhio Lewis
Chief Executive Officer
Council for Native Hawaiian Advancement

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LATE

Tuesday, February 5, 2019

Senate Bill 728
Testifying in Support of the Intent

Aloha Chair Shimabukuro, Vice Chair Kahele, and Members of the Committee on
Hawaiian Affairs,

The Democratic Party of Hawai'i (The Party) **supports the intent of SB728 Relating to the Office of Hawaiian Affairs**, which increases the amount of money available from partial public funding to candidates running for the Board of Trustees, Office of Hawaiian Affairs, to match the amount available to candidates running for the Office of Lieutenant Governor.

The Party appreciates the legislature's interest in and ongoing discussion of public funding for candidates seeking public office, in this case for the Board of Trustees of the Office of Hawaiian Affairs. The Party supports public funding for all elections for public office.

For these reasons we support the intent of this measure.

Mahalo for the opportunity to testify,

Josh Frost
Co-Chair, Legislation Committee
Democratic Party of Hawai'i

Zahava Zaidoff
Co-Chair, Legislation Committee
Democratic Party of Hawai'i

SB-728

Submitted on: 1/25/2019 4:00:30 PM

Testimony for HWN on 2/5/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

SB-728

Submitted on: 1/30/2019 9:21:35 PM

Testimony for HWN on 2/5/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth R. Conklin, Ph.D.	Individual	Support	No

Comments:

SB-728

Submitted on: 2/3/2019 2:20:12 PM

Testimony for HWN on 2/5/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Noa Lincoln	Individual	Support	No

Comments:

SB-728

Submitted on: 2/3/2019 5:52:46 PM

Testimony for HWN on 2/5/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rebecca Soon	Individual	Support	No

Comments:

SB-728

Submitted on: 2/3/2019 8:14:28 PM

Testimony for HWN on 2/5/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Individual	Support	Yes

Comments:

We've gone through many years of testimony on bills advocating for just payment of PLT pro-rata share for OHA. This time around, we hope that legislators will be bold enough to take the necessary step to pass this bill and strongly advocate for settlement of this issue. Imua! Pass SB728.

TESTIMONY OF ESTHER KIA'AINA
IN SUPPORT OF SB 728 BEFORE THE
SENATE COMMITTEE ON HAWAIIAN AFFAIRS

February 5, 2018, 1:15 p.m., Room 016

Chair Shimabukuro, Vice-Chair Kahele and Members of the Senate Committee on Hawaiian Affairs:

My name is Esther Kia'aina of Nanakuli, Oahu. I am testifying in support of SB 728, which increases the amount of money available from partial public funding to candidates running for the Board of Trustees, Office of Hawaiian Affairs, to match the amount available to candidates running for Lt. Governor.

The importance of SB 728 is that it provides equity in the amount of funds available to all OHA candidates who must run a state-wide campaign versus other candidates running for state-wide offices, namely the Governor and Lt. Governor. For the 2020 Election, OHA candidates are currently eligible for \$1500 in public funding cumulatively for the election year, while candidates for Governor and Lt. Governor are eligible for \$178,191, and \$99,787, respectively, for each the primary and general election cycles. Moreover, OHA candidates currently are eligible for less funding available to all other candidates for county and state offices. Given the challenges of running a state-wide election, it is unfair that OHA candidates are not treated more equitably under state law.

I respectfully urge the committee members to support the passage of SB 728 out of Committee. During the Committee's due diligence, if budget estimate costs of such a change raises concerns given the number of candidates that run for OHA, I propose that a minimum \$50,000 threshold be considered for each the primary and general election cycles for OHA candidates. Simply put, the current threshold for \$1500 for the entire election cycle for OHA candidates is unfair, unjust and makes no sense.

Respectfully,

Esther Kia'aina
estherkiaaina@aol.com

LATE

SB-728

Submitted on: 2/4/2019 9:23:12 PM

Testimony for HWN on 2/5/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Faye L Wallace	Individual	Support	No

Comments:

I strongly support the intent of measures **SB 728, SB 729, SB 730, SB 681, and SB 1295** that would **reform OHA elections**. OHA elections have been subject to much controversy over the years in large part, due to the ruling in *Rice v. Cayetano* (2000) by the United States Supreme Court that opened elections up to all voters in the State of Hawai'i. Prior to the *Rice* ruling, OHA elections were open only to registered Native Hawaiian voters. As a result of *Rice*, a string of lawsuits aimed at dismantling Native Hawaiian programs ensued. OHA and the Native Hawaiian community were forced into the reactionary role of defending dozens of programs that serve both the Native Hawaiian community and the community at-large, many of which are the legacies left by Ali'i of the Hawaiian Kingdom for the Native Hawaiian people. The ripple effects of the controversy and legal challenges associated with OHA elections have been severe, damaging, and has lasted for decades now.

The controversies surrounding the OHA Board of Trustees and the organization has been an ongoing problem over the years and much of that stems from the election process. These bills are aimed at reforming OHA's elections so that voters are provided a more fair and democratic process by which to hold the trustees and organization more accountable.

In 2013, the state legislature passed Act 287 that provided for a primary election for OHA races. That measure has had a significant impact on OHA elections since that time. By installing a primary race in the process, the legislature effectively took a step towards creating a more fair, equitable, and democratic process for OHA elections. At its most foundational level, the primary race has provided the community/voters the opportunity to engage and learn more about candidates and the impact has been profound.

However, the primary was just one step. There is more that needs to be done to empower voters to have a greater voice in helping OHA achieve its full potential. These bills address public funding inequities in OHA races, would creat term-limits for trustees, would remove advantages that some candidates may have in terms of the alphabetical listing of names on ballots, and address longstanding and iniquitable flaws in the "At-Large" races. I humbly request that this committee move these measures forward and consider consolidating the measures into one comprehensive OHA Election Reform bill to allow for continued dialogue on these matters. Mahalo for the opportunity to testify on this measure.

LATE

SB-728

Submitted on: 2/5/2019 12:14:55 AM

Testimony for HWN on 2/5/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Samuel Wilder King II	Individual	Oppose	Yes

Comments:

Given the sheer number of people who run for OHA, it seems a bit much to give all of those candidates the same amount of money given to LG candidates. It isnt clear that a lack of public funds for OHA Trustee candidates is really the problem at OHA.

LATE

SB-728

Submitted on: 2/5/2019 6:11:06 AM

Testimony for HWN on 2/5/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamuela Werner	Individual	Support	No

Comments: