

STAND. COM. REP. NO. 749

Honolulu, Hawaii

MAR 04 2021

RE: S.B. No. 405  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 405 entitled:

"A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to provide that excess contributions by nonresident contributors shall escheat to the Hawaii Election Campaign Fund if not returned to the contributor within thirty days of the date the contribution was received.

Your Committee received testimony in support of this measure from the Campaign Spending Commission, Common Cause Hawaii, League of Women Voters of Hawaii, and five individuals.

Your Committee finds that the Hawaii Election Campaign Fund was established to be used for partial public financing of campaigns of the State and its political subdivisions. Your Committee further finds that demand for financing from this fund often outstrips the available resources. Providing that excess contributions by nonresident contributors shall escheat to the fund if not returned to the contributor within thirty days compliments existing law and will help ensure adequate funding for the partial public financing program. However, your Committee additionally finds that it is often not possible to determine whether the amount of a nonresident contribution is excessive



until after thirty days have passed since the contribution was made.

Accordingly, your Committee has amended this measure by:

- (1) Providing that excess contributions by nonresidents shall escheat to the Hawaii Election Campaign Fund if not returned to the contributor within thirty days of the end of the election period;
- (2) Allowing the candidate, candidate committee, or noncandidate committee to choose which excess contributions by nonresident contributors to return; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 405, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 405, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>SB405</b>	Committee Referral: <b>JDC</b>	Date: <b>2/10/21</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
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\*Only one measure per Record of Votes