



SB981 SD1
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS
Ke Kōmike ‘Aha Kenekoa o ka Ho‘okolokolo
Ke Kōmike ‘Aha Kenekoa o ke Ki‘ina Hana a me nā Kumuwaiwai

Pepeluali 16, 2021

10:41 a.m.

Hālāwai Keleka‘a‘ike

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on SB981 SD1, which would change the maximum amount of public funds available to qualifying candidates for the Board of Trustees, to a percentage of the campaign expenditure limit for OHA trustee candidates. The measure would also direct the Office of Elections to place the names of candidates on the OHA Board of Trustees ballot in random, rather than alphabetical, order.

Our agency recognizes that this measure would likely increase the amount of public funds available to qualifying candidates for OHA trustee, and would increase the cap on qualifying contributions they may receive, in order to be eligible for such funding. Currently, candidates for OHA trustee are limited to receiving no more than \$1,500 in public funds in any election year – a relatively limited amount, despite having to participate in statewide races. SB981 SD1 would allow OHA trustees to receive up to a percentage of their campaign expenditure limit, currently set at 20 cents per voter; depending on what percentage is set, this may result in a significant increase to the current \$1,500 in public funds available to qualifying trustee candidates. OHA also recognizes that this measure would lift the qualifying contributions cap for candidates receiving public funds to \$5,000, up from the current \$1,500 qualifying contributions cap. Nonetheless, OHA also notes that both the 20 cents per voter expenditure limit as well as the proposed \$5,000 maximum private contributions cap remain significantly lower than that provided for candidates in other statewide and even certain countywide races. **OHA would respectfully recommend that the qualifying contribution amount for OHA candidates be commensurate with the requirements imposed on candidates for other statewide offices, such as those running for Lieutenant Governor.**

As to Part II, to the extent that the Legislature seeks to randomize the names of candidates listed on an election ballot, OHA respectfully requests that such randomization occurs across all ballots overseen by the Chief Election Officer, rather than singling out the OHA Board of Trustees’ ballot for such treatment.

Mahalo nui loa for the opportunity to testify on this important measure.



**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
elections.hawaii.gov

SCOTT T. NAGO
CHIEF ELECTION OFFICER

TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE SENATE COMMITTEE ON JUDICIARY
AND THE SENATE COMMITTEE ON WAYS AND MEANS
ON SENATE BILL NO. 981, SD 1
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

February 16, 2021

Chair Rhoads, Chair Dela Cruz, and members of the Senate Committees on Judiciary and Ways and Means, thank you for the opportunity to provide comments, specifically on section 4 of Senate Bill No. 981, SD 1. This bill changes the maximum amount of public funds available to each candidate running for the office of state senator, state representative, county council, and the board of trustees of the Office of Hawaiian Affairs to an unspecified per cent of the expenditure limit established for each election; and amends the amount each Office of Hawaiian Affairs candidate must raise to qualify for public funds; and amends ballot requirements to display candidates for the Office of Hawaiian Affairs board of trustees, by residency and non-residency requirements, and to randomize the order of candidate names within those groupings.

We would accomplish the purpose of this measure by randomly selecting a letter of the alphabet to be the first letter to organize the candidate names for the Office of Hawaiian Affairs contests. For example, if the letter "H" was randomly selected by lot, candidates whose last name start with an "H" would be listed first and subsequent names will follow alphabetically (e.g., "I," "J," "K").

We would also note that the randomly selected letter should only be applied to the first letter of the last name and not modify additional alphabetizing. We use the alphabetical organization for proofing the ballots to ensure all candidates are properly listed, which corresponds to the voting position for the vote counting system.

Thank you for the opportunity to testify on Senate Bill No. 981, SD 1.



STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

February 12, 2021

TO: The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

Members of the Senate Committee on Judiciary
Members of the Senate Committee on Ways and Means

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

SUBJECT: **Testimony on S.B. No. 981, SD 1, Relating to the Office of Hawaiian Affairs**

Tuesday, February 16, 2021
10:41 a.m., Via Videoconference

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

This measure seeks to change the maximum amount of public funds available to candidates running for the office of Senator, state Representative, County Council, and the Board of Trustees of the Office of Hawaiian Affairs (“OHA”). The bill increases the amount of qualifying contributions that a candidate for OHA must raise to receive public financing. Finally, the bill amends ballot requirements for OHA candidates.

Section 1 of this bill amends Hawaii Revised Statutes (“HRS”) §11-425 by deleting the current maximum amount of public funds available for candidates running for the Board of Trustees for the Office of Hawaiian Affairs (“OHA”) of \$1,500 in any election year and places OHA candidates in subsection (b).¹ Subsection (b) currently has the maximum amount at fifteen percent of the expenditure limit for the office sought. The bill also repeals the fifteen percent and replaces it with a blank amount. If the fifteen percent is kept, this would increase the maximum amount of public funds available for OHA candidates to fifteen percent of the OHA expenditure

¹ Subsection (b) provides for the maximum amount of public funds available for a candidate for the office of state Senator, Representative, county Council Member, and Prosecuting Attorney.

limit established in HRS §11-423 for each election.² Thus, if this bill were to go into effect for the 2022 elections, the maximum amount of public funding available to OHA candidates will increase from \$1,500 in any election year to \$24,973.95 per election and will be funded from the Hawaii Election Campaign Fund (“HECF”)³. This is a significant increase under this bill.

Section 2 of this bill also provides for an amendment to HRS §11-429 by increasing the minimum amount of qualifying contributions that must be raised by OHA candidates from the current \$1,500 to \$5,000. Under HRS §11-302, a qualifying contribution is defined as an aggregate monetary contribution of \$100 or less by an individual Hawaii resident during a matching payment period. Candidates will not qualify for any public funding until they can raise this minimum amount in qualifying contributions. The Commission supports an increase in the minimum amount to \$5,000.

Since the inception of the public funding program in the 1980 election, the Commission has disbursed over \$4 million in public funding to qualified candidates and only 16 OHA candidates have taken advantage of this voluntary program receiving a total amount of \$12,450.

² Once the Legislature decides on the percentage of the expenditure limit for the maximum amount of public funds to be available for the offices in subsection (b) of HRS §11-425, the amount can be calculated using the expenditure limits available on the Commission’s website. <http://ags.hawaii.gov/campaign/cc/public-funding-programs/partial-public-funding/2022-expenditure-limits/>.

³ The balance of the HECF is \$1,226,089.81 as of June 30, 2020.

Statement Before The
SENATE COMMITTEE ON JUDICIARY**AND****SENATE COMMITTEE ON WAYS AND EMANS**

Tuesday, February 16, 2021

10:41 AM

Via Videoconference

in consideration of

SB 981, SD1**RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.**Chairs RHOADS and DELA CRUZ, Vice Chairs KEOHOKALOLE and KEITH-AGARAN, and
Members of the Senate Judiciary and Ways and Means Committees

Common Cause Hawaii supports SB 981, SD1, which would (1) changes the maximum amount of public funds available to each candidate running for the office of state senator, state representative, county council, and the board of trustees of the office of Hawaiian affairs to an unspecified per cent of the expenditure limit established for each election, (2) amends the amount each office of Hawaiian affairs candidate must raise to qualify for public funds, and (3) amends ballot requirements to display candidates for the office of Hawaiian affairs board of trustees, by residency and non-residency requirements and to randomize the order of candidate names within those groupings.

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 SB 981, SD1 to include in the slate of candidates running for public office the board of trustees of the Office of Hawaiian Affairs. The use of public funds by more people to run for public office should be encouraged and promoted. Total amount of public funds disbursed in the 2020 elections was \$85,361.97 to 16 candidates in both the primary and general elections, leaving approximately over \$1.1 million remaining the Hawaii Election Campaign Fund. See <http://ags.hawaii.gov/campaign/reports/hawaii-election-campaign-fund/>.

Common Cause Hawaii also suggests, under SB 981, SD1, that the percentage amount of the expenditure limit not be changed so as the result would operate to decrease the amount of public funds available in each election for a candidate using public funds.

As for randomizing of names on a ballot, this should be encouraged. It has long been recognized that “the order in which candidates’ names appear on a ballot influences voters’ decisions. Typically, candidates listed at the top of a ballot earn a greater share of the vote than they would receive in any other position, regardless of their policies and personalities.” See https://insight.kellogg.northwestern.edu/article/first_among_equals. A candidate listed first on a ballot increases his/her/their chance of winning by almost five percentage points. *Id.*

Further, research shows that “[g]oing from last to first on the ballot raises a candidate's vote share by 10 percentage points.” See <https://www.npr.org/2016/07/27/487577930/why-the-first-name-on-the-ballot-often-wins>. Thus, randomizing the order of candidate names on a ballot will improve the fairness of elections. To truly correct for the first named candidate bias on a ballot, each individual voter would have to have a randomized ballot. Such a method, however, would be very costly to implement with our vote-by-mail system.

Thank you for the opportunity to testify in support of SB 981, SD1. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii





49 South Hotel Street, Room 314 | Honolulu, HI 96813
www.lwv-hawaii.com | 808.531.7448 | voters@lwv-hawaii.com

COMMITTEE ON JUDICIARY

COMMITTEE ON WAYS AND MEANS

TUESDAY, 2/16/21, 10:41 AM, VIDEOCONFERENCE

SB981 RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

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

Chairs Rhoads and Dela Cruz, Vice-Chairs Keohokalole and Keith-Agaran, and Committee Members:

The League of Women Voters of Hawaii supports this bill which, most importantly, changes the maximum amount of public funds available to each candidate running for the office of state senator, state representative, county council, and the board of trustees of the office of Hawaiian affairs to an unspecified per cent of the expenditure limit established for each election; and also for candidates for Trustee of OHA: changes the amount of qualifying contributions for partial public financing, and the order of names on ballots.

The League of Women Voters strongly supports public financing of political campaigns. We have worked to initiate and maintain Hawaii's Partial Public Financing (HPPF) program since its inception, in order to level the playing field so candidates without access to wealthy contributors can still mount a potentially successful campaign, and to reduce the influence of such contributors on political decisions.

For each election cycle, HPPF calculates a maximum campaign expenditure limit for each office to be decided in that election. This calculation is based on the expenditures in the prior election by candidates for that office.

The amount of funding available to each qualifying candidate is currently 15% of the maximum campaign expenditure limit for each office.

As the cost of conducting a campaign for public office access has risen, fewer candidates take advantage of the PPF program. **In order to reap the full benefits of our PPF program, we need to offer a larger dollar amount of public funding.**



49 South Hotel Street, Room 314 | Honolulu, HI 96813
www.lwv-hawaii.com | 808.531.7448 | voters@lwv-hawaii.com

SB981 offers a chance to do this by removing the 15% stated in HRS11-425 thus permitting an increase in the percentage at a later time.

I offer this lengthy explanation to make clear why the League would be totally opposed to setting the percentage below its current level of 15%.

Thank you for the opportunity to submit testimony.



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

LATE

ON THE FOLLOWING MEASURE:

S.B. NO. 981, S.D. 1, RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.

BEFORE THE:

SENATE COMMITTEES ON JUDICIARY AND ON WAYS AND MEANS

DATE: Tuesday, February 16, 2021 **TIME:** 10:41 a.m.

LOCATION: State Capitol, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Candace Park,
Deputy Attorney General, at 586-0618)

Chairs Rhoads and Dela Cruz, and Members of the Committees:

The Department of the Attorney General provides the following comments.

Section 1 of this bill amends section 11-425, Hawaii Revised Statutes (HRS), by (1) deleting paragraph (c) relating to a candidate of the Office of Hawaiian Affairs receiving up to \$1,500 of public funds during any election year, and combining that with paragraph (b) by adding the board of trustees of the Office of Hawaiian Affairs to the list of candidates for office that receive public funds (state senator, state representative, county council member, and prosecuting attorney) of up to fifteen percent of the expenditure limit established in section 11-432(d), HRS, for each election, and; (2) changing the maximum amount of public funds available in each election to a candidate for the listed offices from fifteen percent of the expenditure limit to an unspecified percentage. Parts II and III of the bill pertain to changed duties and responsibilities of the office of elections and the chief election officer.

The title of the bill, "Relating to the Office of Hawaiian Affairs," only refers to one of the five offices that will be affected by this amendment, and is not descriptive of the shift in funding that will impact the other offices listed in section 11-425(b), HRS. Additionally, the amended responsibilities of the office of elections and the chief elections officer are not described by the title. Thus, this bill may violate section 14 of

article III of the Hawaii State Constitution, which provides in pertinent part that “[e]ach law shall embrace but one subject, which shall be expressed in its title.”

Thank you for the opportunity to provide these comments.