



STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

March 11, 2021

TO: The Honorable Mark M. Nakashima, Chair
House Committee on Judiciary & Hawaiian Affairs

The Honorable Scot Z. Matayoshi, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

Members of the House Committee on Judiciary & Hawaiian Affairs

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

SUBJECT: **Testimony on S.B. No. 981, SD2, Relating to the Office of Hawaiian Affairs.**

Friday, March 12, 2021
2:00 p.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 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. This would increase the maximum amount of public funds available for OHA candidates to fifteen percent of the OHA expenditure limit established in HRS §11-423 for each election. 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

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.

Hawaii Election Campaign Fund (“HECF”)². This is a significant increase in public funding for OHA candidates.

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. If the Legislature adds candidates for the Board of Trustees of OHA to HRS § 11-425(b), the existing balance in the HECF should be able to accommodate the potential increase in partial public funding, given the past use of partial public funding by OHA candidates, the increase in qualifying contributions for OHA candidates in section 2 of the bill, and the requirement of having matching funds on a dollar-for-dollar basis to receive maximum public funds.

² The balance of the HECF is \$1,226,089.81 as of June 30, 2020.



**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 HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
ON SENATE BILL NO. 981, SD 2
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

March 12, 2021

Chair Nakashima and members of the House Committee on Judiciary & Hawaiian Affairs, thank you for the opportunity to provide comments on section 4 of Senate Bill No. 981, SD 2. This bill changes the maximum amount of public funds available to each candidate running for the board of trustees of the office of Hawaiian affairs to 15 per cent of the expenditure limit established by section 11-423(4) for each election; 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 would 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 2.



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

COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
FRIDAY, 3/12/21, 2 PM, Room No. 325

SB981 SD2 RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS
Beppie Shapiro, Legislative Committee, League of Women Voters of Hawaii

Chair NAKASHIMA, Vice-Chair MATAYOSHI and Committee Members:

The League of Women Voters of Hawaii supports, and offers a comment on this bill, which increases the percent of public funding available to candidates for the office of OHA trustee who use the partial public funding program; increases the amount of required qualifying contributions; and requires that candidate names for that office be listed in randomized order 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 for most public offices, with the exception of OHA trustee candidates, is currently 15% of the maximum campaign expenditure limit for each office. SB981 SD2 allocates the same percentage to candidates for OHA trustee.

Increasing the amount of funds available to those candidates will encourage them to use the HPPF program to the benefit of both candidates who commit to its requirements, and to the public.

COMMENT: We do not understand why the amount of qualifying contributions for OHA trustee candidates is set by SB981 SD2 at \$5,000: equivalent to the requirement for county mayors, and much higher than for candidates to the State Legislature. Perhaps an explanation could be added to the introduction to this bill.

Thank you for the opportunity to submit testimony.

Statement Before The
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Friday, March 12, 2021

2:00 PM

Via Video Conference, Conference Room 325

in consideration of

SB 981, SD2**RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.**

Chair NAKASHIMA, Vice Chair MATAYOSHI, and Members of the Judiciary & Hawaiian Affair Committees

Common Cause Hawaii supports SB 981, SD2, which (1) includes candidates for the board of trustees of the office of Hawaiian affairs to receive a maximum in public funds up to fifteen percent of the expenditure limit established by section 11-423(4) for each election, and (2) 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, SD2 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/>.

As for randomizing of names on a ballot, this should be encouraged, as well. 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, SD2. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii

SB-981-SD-2

Submitted on: 3/11/2021 8:55:11 AM

Testimony for JHA on 3/12/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	LGBT Caucus of the Democratic Party of Hawaii	Support	No

Comments:

Aloha Representatives,

The LGBT Caucus of the Democratic Party of Hawai'i, Hawaii's oldest and largest policy and political LGBTQIA+ focused organization, supports Senate Bill 981 SD2.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr.

Chair

LGBT Caucus of the Democratic Party of Hawai'i

TESTIMONY IN SUPPORT OF SB981, SD2

I am a Native Hawaiian kama'aina interested in assuring that all candidates who run for the position of Trustee of the Office of Hawaiian Affairs have a fair and equitable opportunity to do so. I believe that SB981 SD2 would advance that objective, and if not for the financial burden COVID has imposed on the State, would advocate for higher funding for OHA candidates.

I am in full support of SB981 SD2 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 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.

To make the case in support of this legislation, here is a summary of the OHA elections campaign spending reports on the Hawaii Campaign Spending website; and the election results posted at the Hawaii Office of Elections website:

Year	Contributions of \$5000 or more	\$1500-\$4999	Less than \$1500	Total Nr of Candidates
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2020	10	3	11	24
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Candidates elected: 4

Candidate 1 received \$183,672 in contributions and had expenditures of \$183,015.83.

Incumbent whose last name began with an "A"

Candidate 2 received \$21795.05 in contributions and had expenditures of \$25,680.44.

New candidate whose last name began with an "A"

Candidate 3 received \$12,125 and had expenditures of \$14350.95, and whose last name began with the alphabet "L"

Candidate 4 who reported no contributions and no expenditures; who was an incumbent, and whose last name began with the alphabet "A"

Conclusion: Money, name recognition of incumbent; and with last name beginning with alphabet "A". Almost half of the candidates had insufficient funds to wage a competitive campaign.

2018	8	3	13	24
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Candidates elected: 5

Candidate 1 received \$31582.14 in contributions and had expenditures of \$34,297.11 and whose last name began with the alphabet "A"

Candidate 2 received \$21008.99 in contributions and had expenditures of \$21008.99.

Incumbent whose last name began with the alphabet "L"

Candidate 3 received \$15171 and had expenditures of \$16215.84, and whose last name began with the alphabet "L"

Candidate 4 received \$595.24 in contributions and had expenditures of \$644.24. Candidate was an incumbent, whose last name began with the alphabet "W"

Candidate 5 received no contributions and reported expenditures of \$700. Candidate was an incumbent, whose last name began with the alphabet "A"

Conclusion: Name recognition of incumbents and money spent by newcomers were the major factors in the outcome of this election. One of the new incumbent's name began with the alphabet "A" that could have also been a factor. At least half of the candidates had insufficient funds to compete successfully.

Year	Contributions			Total Nr of Candidates
	of \$5000 or more	\$1500-\$4999	Less than \$1500	
2016	4	1	9	14

Candidates elected: 4, all of whom were incumbents. Two with last name beginning with alphabet "A"; one with alphabet "L" and one with alphabet "M". Contributions ranged from \$2155 to \$125,040; and expenditures from \$632.92 to \$114,089.

Conclusion: Name recognition of incumbents; money to run campaign in two races where opponents spent \$47,874 and \$60,205, but lost. Clearly, those with a campaign bank of less than \$5000, except for an incumbent, were at a disadvantage.

2014	14	3	5	22
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Candidates elected: 5, 3 of whom were incumbents; and two newcomers, both with last name beginning with alphabet "A".

Candidate 1. Donations received \$24346; expenditures \$25340. Incumbent.

Candidate 2. Donations received \$78178; expenditures 78593. Newcomer "A" last name

Candidate 3. Donations received \$6363; expenditures \$5571. Incumbent

Candidate 4. Donations received \$28975; expenditures \$26590. Incumbent "A" last name

Candidate 5. Donations received \$792; expenditure \$792. Newcomer "A" last name

Conclusion: Name recognition of incumbents; alphabet "A" and money.



SB981 SD2
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS
Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i
House Committee on Judiciary & Hawaiian Affairs

Malaki 12, 2021

2:00 p.m.

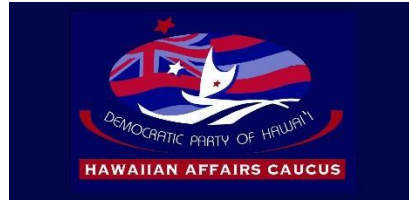
Lumi 325

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on SB981 SD2, which would change the maximum amount of public funds available to qualifying candidates for the OHA Board of Trustees. 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 significantly increase the amount of public funds available to qualifying candidates for OHA’s Board of Trustees. Currently, OHA trustee candidates 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. This measure would substantially increase this limit, to 15% of the voluntary expenditure limit for OHA trustee candidates, currently set at 20 cents per registered voter. SB981 SD2 would also increase from \$1,500 to \$5,000 the amount of qualifying contributions required of each candidate before accessing such public funding.

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 the randomization occurs across all ballots overseen by the Chief Election Officer, rather than singling out such treatment for the OHA Board of Trustees ballot.**

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



March 11, 2021

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Representative Mark M. Nakashima, Chair

Representative Scot Z. Matayoshi, Vice Chair

Testimony SUPPORTING SB 981, SD 2

Aloha, Chair Nakashima, Vice Chair Matayoshi, and members of the Committee:

The Hawaiian Affairs Caucus of the Democratic Party of Hawai'i SUPPORTS SB 981, SD 2, to (1) increase the amount of public funds available to candidates running for trustee seats of the Office of Hawaiian Affairs, and (2) randomize candidate names on the ballot.

We support the proposed increase in the amount of public funds available to candidates for the Office of Hawaiian Affairs because it is a statewide election requiring candidates to reach voters on all six inhabited Hawaiian islands. The amount of \$1,500 and even \$5,000 is not enough to reach all voters statewide and run a successful campaign.

We also support randomization of candidate names. Studies show that names at the top of the alphabet are more likely to be selected on a ballot than names that appear lower on the list. We agree with the Office of Elections that randomly selecting one letter of the alphabet to be the first letter to organize all the candidate names would accomplish this purpose.

Mahalo nui loa for the opportunity to testify.

Me ka mahalo nui,

JUANITA MAHIENAENA BROWN KAWAMOTO, Chair

Hawaiian Affairs Caucus of the Democratic Party of Hawai'i

SB-981-SD-2

Submitted on: 3/11/2021 6:30:49 AM

Testimony for JHA on 3/12/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Anderson	Individual	Support	No

Comments:

I support SB 981, SD2 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.

As for randomizing of names on a ballot, this should be encouraged, as well. 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. 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.” 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 submit testimony in support of this bill.

TESTIMONY IN SUPPORT OF SB981, SD2

I am a Native Hawaiian kama’aina interested in assuring that all candidates who run for the position of Trustee of the Office of Hawaiian Affairs have a fair and equitable opportunity to do so. I believe that SB981 SD2 would advance that objective, and if not for the financial burden COVID has imposed on the State, would advocate for higher funding for OHA candidates.

I am in full support of SB981 SD2 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 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.

To make the case in support of this legislation, here is a summary of the OHA elections campaign spending reports on the Hawaii Campaign Spending website; and the election results posted at the Hawaii Office of Elections website:

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Conclusion: Name recognition of incumbents; alphabet "A" and money.

Shane Akoni Palacat-Nelsen
82-6026 Manini Beach Road
Captain Cook, HI 96704
shane.nelsen@gmail.com

March 10, 2021

HOUSE COMMITTEES ON JUDICIARY & HAWAIIAN AFFAIRS

Friday, March 12, 2021, Rm.# 325

RE: SB 981, SD2 RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

Aloha Chair Nakashima and Chair Matayoshi and respective committee members,

I strongly support SB 981, SD2. Increasing campaign spending for candidates for the Office Hawaiian Affairs Trustee position will likely offer the ability for more candidates to participate in elections and be able to participate fairly in a process that allows them to exercise their civil rights. I also support randomizing the names on the ballot. Let us ensure that equal opportunity be afforded for an OHA Trustee candidate. Thank you for the opportunity to comment and urge that you support SB 981, SD2.

Mahalo nui,
Shane Akoni Palacat-Nelsen
South Kona Resident

SB-981-SD-2

Submitted on: 3/11/2021 12:08:13 PM

Testimony for JHA on 3/12/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Edward B Hanel Jr	Individual	Support	No

Comments:

Concur with Common Cause Hawaii comments, Recommend passing SB 981 SD 2

SB-981-SD-2

Submitted on: 3/11/2021 1:26:44 PM

Testimony for JHA on 3/12/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Best	Individual	Support	No

Comments:

There is enough money in the public funds for elections to include OHA candidates.

Also, randomizing names on a ballot will improve fairness of elections.

SB-981-SD-2

Submitted on: 3/11/2021 4:15:31 PM

Testimony for JHA on 3/12/2021 2:00:00 PM

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

Comments:

Dear Chair Nakashima, Vice Chair Matayoshi, and Committee on Judiciary and Hawaiian Affairs,

Please support SB981 SD2.

- We support SB 981, SD2 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/>.
- As for randomizing of names on a ballot, this should be encouraged, as well. 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.

We need practical ways to make the election of OHA trustees more accessible. If more people run for OHA, there will be more public interest in the election itself. We need more people to learn about the importance and role of OHA in Hawaii.

Thank you for taking the time to review this issue. I appreciate the opportunity to provide testimony in support of this bill.

Mahalo,

Caroline Kunitake