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Democracy Issues at the 2011 Legislature

By Nikki Love | 05/19/2011

The 2011 legislative session may have been dominated by budget issues, but there was opportunity for important discussions on topics of voting, money in politics, ethics, and transparency. Here are a few key democracy issues that Common Cause Hawaii and other citizen groups were watching closely during this session—good bills that passed, bad bills that were blocked, and important bills that deserve another look next year.

Good Bills That Passed

Online voter registration. Perhaps the biggest success this session in the realm of democracy issues was the passage of HB545. This bill establishes a system for online voter registration to be implemented by 2014, so that eligible voters will be able to register entirely online, not just via hard-copy forms and postal mail. Especially in light of the fact that Hawaii has ranked at or near the bottom of all 50 states in voter turnout in recent years, this bill is an important first step to boost voter participation. This bill was passed by the legislature and now goes to the Governor's desk.

Shield law. The legislature passed HB1376 to extend the shield law, which protects journalists from revealing their confidential sources. The shield law is a critical tool for protecting and promoting a robust news media, which is so important for a healthy democracy. Hawaii's shield law was passed in 2008 and had been set to sunset this year. Supporters initially sought to make the shield law permanent, but the final version of HB1376 establishes a two-year extension. The bill was passed and now goes to the Governor's desk.

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Bad Bills That Were Blocked

Gift law loopholes. SB671 started out as a strong reform effort to bolster lobbying reports and legislators' financial disclosures. But through "gut and replace" the good elements were stripped out, and instead legislators inserted language that would have allowed various gifts to legislators and state employees, even if it is obvious that the gifts are intended to influence or reward. One version of the bill allowed any gifts (even cash!) up to \$200, as well as unlimited food, travel, honoraria, and other items. Other versions of the bill limited the exemptions to event tickets from charities, but their definition of "charitable entities" included such entities as chambers of commerce and labor unions. Thanks to public outcry and media attention, this attempt to water down the gifts law was finally stopped in its tracks.

Restricting access to consumer information. The legislature attempted once again to restrict access to important consumer information. Currently, the public can research businesses or licensees they are considering hiring by looking at consumer complaints filed with government agencies. These records are available online or by visiting the relevant agency. However, HB1141 would have severely restricted public access to consumer complaints filed with government agencies, protecting businesses and licensees at the expense of consumers and the public seeking information. With opposition from several government agencies and citizen groups, this bad idea was stopped.

Good Ideas That Stalled – And Should Be Revived Next Year

Election day registration. Unfortunately, the legislature did not move forward with this vital element of modernizing voter registration. The current voter registration deadline is 30 days before an election, and prevents many eligible voters from participating in our democracy. HB343 would have eliminated this barrier and established election day registration, to allow people to register and vote on election day. Nine states have successfully implemented this reform, and research shows it is proven to significantly improve voter turnout. Election day registration is especially effective in bringing out youth and others who are typically less likely to vote. HB343 was heard in the House Judiciary committee but deferred; the companion SB665 was not heard in the Senate.

Transparency for independent expenditures. To our dismay, the legislature failed to address this urgent money-in-politics issue. HB872 would have greatly improved transparency for independent expenditures—money spent by noncandidate committees, corporations, and others to influence campaigns. After the U.S. Supreme Court decision in Citizens United v. FEC, independent expenditures are growing dramatically, and disclosure is becoming even more critical. HB872 was heard in the House Judiciary committee but deferred; the companion SB1114 was not heard in the Senate.

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Improvements to Hawaii County Council publicly-funded elections. 2010 marked the successful first year of the publicly-funded elections pilot program for Hawaii County Council. Participating candidates refused private money and ran their campaigns using public funds, and now four out of nine council districts are represented by elected officials who took no special interest money in the last campaign. This year at the legislature, HB1575 proposed improvements to the program. The most critical element would have redesigned the "matching funds" mechanism for publicly-funded candidates who are outspent by privately-funded candidates. A similar element of Arizona's public funding program is being challenged in the U.S. Supreme Court, so this bill sought to preemptively address this issue now. This bill was heard in the House Judiciary committee but deferred.

Instant runoff voting. HB638 proposed a new system of instant runoff voting to address the problems of our current plurality system. In several recent elections with many candidates on the ballot, we saw winners emerge with far less than 50% of the vote. Instant runoff voting would prevent that by allowing voters to rank their choices of candidates on the ballot, followed by rounds of instant runoff tabulations until a winner emerges with a majority of the vote. This reform helps prevent the "spoiler" effect and promotes a more representative outcome. This bill passed through both houses but died in Conference Committee.

Now that the legislative session has ended, all of us should take a moment to hold our elected officials accountable for what was done and not done. Check the [Capitol website](#) to see how your Representative and Senator voted on these bills, and ask them to support measures in the future to promote a more open, participatory, and accountable government in Hawaii.

About the Author: *Nikki Love is the executive director of Common Cause Hawaii, a nonpartisan citizens' lobby, dedicated to making government and media responsive and accountable to the people.*

   

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