

HAWAII

'Good Government' Measures Take Another Go At Hawaii Lawmakers

The Legislature was tough on government reform bills last session. This time, proposals such as all-mail balloting and tougher campaign laws may get traction.

FEBRUARY 10, 2016 • By Nathan Eagle   

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Should elections be conducted exclusively by mail in Hawaii? Is it time to increase fines for failing to disclose campaign expenses and contributions? Do lobbyists need to be held to a higher standard of conduct?

State lawmakers are weighing a slate of so-called “good government” bills this session that could boost voter turnout and lessen the influence of money in politics.

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Nonprofit organizations like Common Cause and the League of Women Voters have championed this type of legislation for years along with the state ethics and campaign spending commissions.

But the Legislature often balks at such reforms, and in some cases even works contrary to them. There are efforts this year to weaken the Ethics Code, exempt certain groups from financial transparency requirements and loosen laws designed to put the public's interest first when it comes to things like posting advance notice of government

meetings.

It's early yet in the 2016 session, which started Jan. 20 and runs till May. Many measures are still alive, and a handful are moving forward. In a few instances, bills that stalled last year have been resurrected.

Here's a rundown of what's at play:

All-Mail Voting, Automatic Registration



Voters cast ballots the old-fashioned way in November 2014 at Nanaikapono Elementary School. A proposed bill would move Hawaii toward all-mail elections.

“On the voting front, reform measures like automatic voter registration, voting by mail, and enhancing voter privacy will provide Hawaii’s eligible voters with greater access to civic engagement in our elections,” Common Cause Hawaii Executive Director Carmille Lim said.

[Senate Bill 2496](#) would phase in all-mail elections starting with the 2018 primary on

Kauai. Ten of the chamber's 25 members have co-sponsored the legislation, which is set to be heard Feb. 16 by the Judiciary and Labor Committee, chaired by Sen. Gil Keith-Agaran.

Efforts to pass such a measure came up short last year, but it's an idea that lawmakers have said is worth revisiting.

Under [House Bill 401](#), voter registration would happen automatically when applying for a driver's license, unless applicants chose to opt out.

“We need the convenience of registering to vote at the same time as we renew our driver’s license or state ID.” — Janet Mason, League of Women Voters

The bill stalled last year in the Senate after clearing the House unanimously. But the Senate Judiciary and Labor Committee took it up last week and approved it.

“Most voters are very busy taking care of their families and earning a living,” said Janet Mason of the

Hawaii League of Women Voters. “We need the convenience of registering to vote (or updating our registration) at the same time as we renew our driver’s license or state ID.

“Once we’re registered to vote, why not retrieve our ballot from the mailbox, then sit around the kitchen table discussing candidates and ballot measures?” she asked. “Completing our own ballot after this kind of discussion creates more excitement and interest. Then simply mail it back at no cost. It’s time to vote the way we live.”

[House Bill 1055](#), which is also moving forward again after stalling last year, would eliminate the requirement to provide a full social security number to register to vote. This voter privacy measure, which 11 representatives co-introduced, calls for just using the last four digits.

The measure cleared the Judiciary Committee last week. It's headed to Finance next.

Hawaii, which has among the [lowest voter turnout](#) numbers in the nation, has made improvements in recent years to boost registration.

Last August, the Office of Elections rolled out [online voter registration](#). And thanks to a 2014 law, the state expects same-day voter registration to be available by 2018.

“More transparency, especially in the elections process, is critical to a functioning democracy,” state Rep. Chris Lee said. “It’s what the people want, and what we as leaders are obligated to provide. I hope more of these things start to gain traction.”

Campaign Finance Reforms

The state [Campaign Spending Commission’s](#) mission is to “maintain the integrity and transparency of the campaign finance process.”

The commission introduced [11 bills](#) at the beginning of the current biennium. They all stalled last year, and some never received so much as a hearing.

This session some of the measures have gained traction.

[House Bill 1550](#) would increase the fines that the commission can assess against political action committees, corporations, organizations, labor unions and certain other groups if they break campaign finance rules. There’s a \$1,000 cap per violation currently, but the bill proposes increasing it to \$5,000 or “an amount equal to three times the amount of an unlawful contribution or expenditure.”



Campaign Spending Commission Chair Kristin Izumi-Nitao wants the ability to be tougher on violators of campaign finance laws.

The legislation would also give the commission the power to recoup the cost of the investigation from the group that committed the offense. The commission doesn't have an investigator on staff so it has to contract with someone for those services.

The commission's executive director, Kristin Izumi-Nitao, [told lawmakers](#) last month that the higher fine would be a "more effective deterrent for super PACs." Super PACs are independent-expenditure committees that can raise unlimited funds from unions, corporations and others to influence an election through advertising or other means; the groups just can't donate directly to an individual campaign.

The House Judiciary Committee, chaired by Rep. Karl Rhoads, is set to hear the bill Thursday afternoon.

“It's crucial that we find a solution to ensure the

In a related measure, lawmakers [passed a bill in 2013](#) that takes effect this year. It forces

Campaign Spending Commission's sustainability." — Carmille Lim, Common Cause Hawaii

super-PACs to disclose their top donors on campaign ads.

Other legislation is focused on equipping the commission with more resources.

As of last June 30, the end of the 2015 fiscal year, the commission had \$1.8 million in the Hawaii Election Campaign Fund that it relies on for investigations and other operational needs. The balance has been decreasing by just over \$500,000 per year.

“The Hawaii State Campaign Spending Commission serves our community by enforcing campaign finance laws that preserve the integrity and transparency of our state and local elections,” Lim said. “However, this watchdog agency is at risk of ceasing its operations by 2019. It’s crucial that we find a solution to ensure the Campaign Spending Commission’s sustainability.”

[House Bill 2156](#) and its counterpart [in the Senate](#) would provide operating money for the commission from the state general fund instead of the Hawaii Election Campaign Fund. Izumi-Nitao estimates that an appropriation of \$661,545 would cover operations and salaries, including fringe benefits, for fiscal 2017, which starts July 1.

Both bills cleared their respective judiciary committees last week. The next step is each chamber’s money committee, chaired by Jill Tokuda in the Senate and Sylvia Luke in the House.

A State Of Mind

The state [Ethics Commission](#) introduced [18 bills](#) in 2015, none of which passed. Some were never even given a public hearing, including a nepotism measure that’s been put forward for years that would prohibit lawmakers and public employees from hiring or appointing relatives to public office or employment.

The commission didn’t add any others to its package this year, but lawmakers did take one up that would lower a barrier to fining lobbyists who fail to file their reports on time, provide false information or omit key facts.

The law currently requires the commission to prove the lobbyist “willfully” committed these offenses. That’s an unreasonably high threshold to levy an administrative fine, Ethics Executive Director Les Kondo said.



Ethics Commission Executive Director Les Kondo hopes the commission fares better this session than last, when none of its 18 proposals was approved.

“To illustrate the absurdity of the state of mind requirement: a person could spend thousands of dollars on lobbying activities, all of which must be reported, not file any expenditure or other lobbyist report, and possibly avoid an administrative penalty simply because the person professed ignorance of his legal reporting requirements,” Kondo [told lawmakers](#) last month.

“And, that same person could continue not reporting the thousands of dollars spent on lobbying activities each year as long as he maintained his ignorance of the Lobbyists Law. That situation is inconsistent with the statutory purpose and renders the Commission virtually toothless to enforce the reporting requirements of the Lobbyists Law.”

Russell Yamashita, a legislative representative for a professional trade organization, said in his testimony that the proposed change to the law imposes a strict liability standard for any mistake in filing any reports. The Hawaii Dental Association paid him \$45,000 last year to lobby lawmakers on behalf of the industry.

“Not even the Internal Revenue Service takes such a draconian and heavy handed position as this bill does for mere reporting violations that have no fiscal or legal impact on government,” Yamashita said.

[House Bill 182](#), which removes the “willfully” requirement, cleared the Judiciary Committee and is now awaiting a hearing by Finance.

The Ethics Commission is tracking at least 14 bills, and has provided a list of them with links to its testimony [on its website](#).

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Elen Stoops · UC Davis

Great topic to cover and excellent article Nathan!

Higher voter turnout and greater transparency of lobbyist influence in the legislative process will enable residents to hold their government to higher levels of accountability.

Thanks for all of the researching and providing the very helpful links.

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Nathan Eagle · Works at Honolulu Civil Beat

Thanks for reading!

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Mary Beth Hilburn

keep up the heat on the Legislature. We need information in order to monitor the process. Thanks for providing that.

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