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Hawaii News

Measure forces PACs to note top 3 donors

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Robert Andrada, temporary head custodian at Central Middle School, set up booths at the school's cafeteria, which will serve as the polling place for the 29th Representative District, Precinct 01, and the 26th Representative District, Precinct 07, for voting today.

After discussing a slew of election-related bills this session, lawmakers agreed on a bill that will require political action committees to disclose in all advertisements the names of the top three donors that contributed to the message.

Senate and House conferees also agreed on a bill that requires the state Elections Commission to conduct a performance evaluation of the chief election officer after

each election, and killed bills that would have ramped up the state's public financing program for elections and allowed voter registration at absentee polling places.

Sen. Clayton Hee (D, Heeia-Laie-Waiialua), lead Senate negotiator on House Bill 1147, described the legislation that targets the unlimited spending of independent super PACs as "a universally supported proposal to promote transparency and accountability."

The U.S. Supreme Court ruled in the 2010 Citizens United v. Federal Election Commission that corporations and labor unions not coordinated with political candidates can spend unlimited independent sums on election material because they have a First Amendment right to do so.

According to the state Campaign Spending Commission, 16 super PACs spent \$4.8 million on state and county elections last year — most of which was aimed at the Honolulu mayor's race, which pitted pro-rail candidate Mayor Kirk Caldwell against anti-rail candidate former Gov. Ben Cayetano.

The bill now goes before the full House and Senate chambers for a final vote before being sent to the governor for signing.

A separate measure aimed at increasing election transparency got the boot from legislators last week. House Bill 1481 would have substantially increased the amount of public funding available to qualifying candidates running for the state House of Representatives. Supporters lauded it as a way to free candidates from the pressure to please big-money donors.

Hee, lead Senate negotiator on the bill, said the Senate Ways and Means Committee questioned whether the state would have sufficient funding for the program, which would have made close to \$32,600 available to candidates who qualified by collecting 200 verifiable registered voter signatures and 250 \$5 donations from registered voters within their district.

Kory Payne, executive director of Voter Owned Hawaii, a nonprofit, nonpartisan advocacy group, said supporters suspect the fiscal impact of the bill wasn't the only factor.

"We see it as a signal of opposition to the program because we thought the bill was really well crafted," he said.

Legislators also killed a bill that would have permitted voter registration at absentee polling places.

"I'm disappointed there, too, because I think it was a good step towards same-day registration," said Rep. Karl Rhoads (D, Chinatown-Iwilei-Kalihi), lead House negotiator on the bill.

The original draft of House Bill 321 proposed allowing voter registration at polling places on Election Day. The Senate Judiciary and Labor Committee, led by Hee, amended it to apply only to absentee polling places that close days before the election occurs.

Hee expressed concern during the bill's final conference committee hearing Friday that its language didn't necessarily prohibit registration on Election Day.

"The idea is a very good idea," Hee said. "However, the translation of a good idea into success requires taking care of each aspect of each element of the elections. Quite frankly, I don't think the Senate or the public in general has the confidence of the Office of Elections, given their track record, so there's time to work on a good bill."

Legislators did agree last week on a bill that aims to prevent ballot-tampering by banning employers, unions, candidates and their agents from helping voters fill out absentee ballots.

House Bill 827 also will require absentee voters to affirm by signature that they completed their ballot without help or influence from someone associated with their employer, labor union or any candidate listed on the ballot.

The proposed legislation cropped up following the 2012 Honolulu City Council primary race in which candidate Martin Han filed an election challenge against his victorious opponent, Joey Manahan, for allegedly posting signs too close to polling places to influence undecided senior voters. Han also questioned the high number of absentee ballots turned in from District 7 that were in favor of Manahan. The state Supreme Court dismissed the challenge in August.

And in light of the 2012 general election fiasco in which a miscalculation resulted in ballot shortages at two dozen polling places, Senate and House conferees agreed on a bill that calls for the state Elections Commission to conduct a performance evaluation of the chief election officer after each election.

Senate Bill 853 now heads to the House and Senate for final approval.

The bill also calls for the commission to submit a written report to the Legislature within 90 days of the certification of election results.

A review conducted by the Elections Commission in the performance of Chief Election Officer Scott Nago found that although a series of mistakes led to the ballot shortages, none was serious enough to merit his firing or other disciplinary action.

Star-Advertiser reporter B.J. Reyes contributed to this report.

