

Appendix B – Meeting Minutes November 2, 2022

Commission to Improve Standards of Conduct

Members:

Judge Daniel R. Foley (Ret.), Chair;

Robert D. Harris, Executive Director and General Counsel of the State Ethics Commission, Vice Chair;

Kristin E. Izumi-Nitao, Executive Director of the Campaign Spending Commission;

Nikos Leverenz, Common Cause Hawaii Advisory Board Member;

Barbara C. Marumoto, Former State Representative;

Janet Mason, Legislative Committee Member, League of Women Voters of Hawaii; and

Florence T. Nakakuni, Former U.S. Attorney for the District of Hawaii.

Note: Ms. Sandy Ma, Executive Director of Common Cause Hawaii, resigned from the Commission effective June 17, 2022, and Mr. Nikos Leverenz was appointed by Speaker of the House of Representatives Scott K. Saiki to fill that vacancy via [memorandum](#) on the same day.

Resources:

The Commission's website, which includes related materials and information such as House Resolution No. 9 (Regular Session of 2022), the Commission's Interim Report, and meeting notices and minutes, can be found here: [Committees \(hawaii.gov\)](#)

Recordings of the Commission's public meetings may be viewed on the House of Representatives' YouTube channel found here: [Hawaii House of Representatives - YouTube](#)

The Commission may be contacted via email at standardsofconduct@capitol.hawaii.gov

I. Call to Order/Roll Call

Vice Chair Harris convened the meeting at 2:01 p.m. All Commissioners were present for the meeting, except for Chair Foley who was excused.

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II. Approval of Minutes

The minutes from the October 26, 2022, meeting of the Commission was approved and adopted.

III. Public Testimony

No written testimony was received by the Commission; however one individual did provide oral testimony. The oral testimony pertained to the sole power of a committee chairperson to determine whether to hear or defer a measure in committee. Having such determination being consolidated to a single chairperson is not good public policy. There needs to be a mechanism in place to allow the public to have an opportunity to get bills with public support heard by the chairperson.

IV. Consideration of Draft Bills Related to Transparency of Donations to Noncandidate Committees

Commissioner Marumoto introduced the following draft bill regarding transparency of donations for discussion and decision making.

The draft bill can be found here: [CISC – Transparency of Donations Bill](#)

Commissioner Marumoto stated that the Campaign Spending Commission was able to provide pertinent information regarding super PACs in Hawaii from 2012 to 2020, and thus determined that this bill may no longer be needed as the Campaign Spending Commission already conducts their own summaries of elections, which can be found on their website under [Election Summaries](#). Commissioner Marumoto then discussed [Act 169, Session Laws of Hawaii 2022](#) (Act 169), which specifies consent procedures for when 501(c)(4) nonprofit organizations operating as noncandidate committees can use donations for electioneering communications and requires 501(c)(4) nonprofit organizations operating as noncandidate committees to disclose the name and address of donors who make a donation of more than \$10,000, with certain exceptions. Commissioner Marumoto asked about expanding Act 169 to cover 501(c)(3) nonprofit organizations. The Campaign Spending Commission discussed that 501(c)(3) nonprofit organizations are not allowed to participate in any political activity or they will lose their tax exemption status, thus an expansion to include those nonprofit organizations may not be necessary. Commissioner Marumoto then recommended that no such bill on this matter be put forward for consideration by members in regard to 501(c)(3) nonprofit organizations.

V. Consideration of CISC Draft Bills from Prior Meetings

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A. Recording of Public Meetings (deferred from 10/5/2022)

The draft bill can be found here: [CISC – Recordings of Public Meetings](#).

The new draft gives boards the discretion to keep recordings available on their website, in addition with written minutes. The bill also allows a board to remove the recording from its website if it has written minutes, but it must send a copy of the recording to the State Archives.

Commissioner Mason moved, and Commissioner Marumoto seconded, to adopt the draft bill. The Commission, by vote, adopted the draft bill.

B. Funding Grant-in-aid for County Ethic Boards or Commissions (deferred from 10/26/2022)

The draft bill can be found here: [CISC – County Ethics Funding Bill](#).

The new draft includes the Ethics Commission of the City and County of Honolulu and clarifies that it is a one-time funding for the counties.

Commissioner Leverenz moved, and Commissioner Mason seconded, to adopt the draft bill. The Commission, by vote, adopted the draft bill.

C. Establishing Rights for Members of the public with Respect to the Conduct and Operation of the Legislature and its Members (deferred from 10/26/2022)

The draft bill can be found here: [CISC - Bill of Rights Bill](#)

The new draft establishes a standard of conduct for legislators and members of the public during the legislative process by creating a new Office of the Public Advocate that is attached to the Department of the Attorney General for administrative purposes. Vice Chair Harris recommends inserting into the report that it may be worthwhile to explore placing the mission and objectives of the Office of the Public Advocate into another existing agency within state government, rather than creating a new office. However, for purposes of continuing the discussion on this idea, the draft bill creates a new entity.

Commissioner Leverenz moved, and Commission Marumoto seconded, to adopt the draft bill. The Commission, by vote, adopted the draft bill.

VI. Other matters

Commissioner Mason requested to have a preliminary discussion regarding the report due to the upcoming deadline. She inquired about establishing a priority list of the measures

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that the Commission is planning on recommending in the report to emphasize the most important bills to the public.

Vice Chair Harris commented that each recommendation of the Commission is equally important and since the Commission is getting assistance with the drafting of the report, it will be the responsibility of the commissioners to review the draft report and provide additional language that provides additional clarity to the report's narrative for each bill and then also highlight certain bills that will potentially have a more widespread impact.

Commissioner Mason requested to come up with a deadline for the Commission members to receive the first draft.

Vice Chair Harris stated that it would be difficult to have that discussion without first discussing offline with those assisting the Commission. However, this matter can be taken up at the next meeting on November 9, 2022.

VII. Next Meeting

Vice Chair Harris inquired about the next scheduled meeting on November 9, 2022, and whether everything is prepared for that meeting.

Commissioner Nakakuni stated that there are three bills, potentially five, that will be put forward to the Commission at the next meeting which have all already been discussed with county prosecutors, Department of the Attorney General, and United States Attorney's Office. Commissioner Izumi-Nitao also confirmed that her bill on partial public financing of elections is ready to go for the next meeting.

Vice Chair Harris asked Commissioner Izumi-Nitao to draft the upcoming hearing notice for the next meeting on November 9, 2022 and 2:00 p.m.

The meeting adjourned at 3:01 p.m.