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STATE OF HAWAII  
CAMPAIGN SPENDING COMMISSION

235 SOUTH BERETANIA STREET, ROOM 300  
HONOLULU, HAWAII 96813

February 5, 2015

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair  
Senate Committee on Judiciary and Labor

The Honorable Maile S.L. Shimabukuro, Vice Chair  
Senate Committee on Judiciary and Labor

Members of the Senate Committee on Judiciary and Labor

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

SUBJECT: **Testimony on S.B. No. 508, Relating to Campaign Finance**

Friday, February 6, 2015  
9:15 a.m., Conference Room 016

Thank you for the opportunity to testify on this bill. The Campaign Spending Commission ("Commission") offers the following comments on this bill.

This bill amends Hawaii Revised Statutes ("HRS") §11-336(a) by changing the due date for noncandidate committees, which includes Super PACs and ballot issue committees, to file the Preliminary General Report from 10 calendar days prior to the General Election to October 1<sup>st</sup>.

If this measure is passed, the number of reporting days before the 2016 General Election that will **not** be included in a publicly-available disclosure report until **after** the General Election, will increase from 15 days to 43 days. Thus, this Committee must weigh the benefits of "earlier but less disclosure" versus "later but more disclosure." A copy of the current reporting schedule for the 2016 election and a copy of a proposed schedule reflecting the amendment made by this bill are attached to the Commission's testimony.

**<<CURRENT SCHEDULE>>**  
**SCHEDULE OF REPORTING DATES  
 FOR NONCANDIDATE COMMITTEES**

**REGISTRATION DEADLINE**

Organizational Report

The Organizational Report must be filed by a Noncandidate Committee within ten days of receiving contributions or making expenditures that amount to more than \$1,000, in the aggregate, in a two-year election period; except that within the thirty day period prior to an election, a Noncandidate Committee shall file an Organizational Report within two days of receiving contributions or making expenditures that amount to more than \$1,000, in the aggregate, in a two-year election period.

**REPORTING DEADLINES**

<u>DATE REPORT DUE</u>	<u>REPORTING PERIOD</u>	<u>REPORT</u>
<input type="checkbox"/> February 2, 2015	November 5-December 31, 2014 (This is the first report for the 2016 election period.)	Supplemental
<input type="checkbox"/> July 31, 2015	January 1-June 30, 2015	Supplemental
<input type="checkbox"/> February 1, 2016	July 1-December 31, 2015	Supplemental
<input type="checkbox"/> August 3, 2016	January 1-July 29, 2016	Preliminary Primary
<input type="checkbox"/> August 10, 2016	July 30-August 9, 2016	Late Contribution/Expenditure (A noncandidate committee that makes contributions aggregating more than \$500, or receives contributions from any person aggregating more than \$500, within the period of fourteen calendar days through four calendar days prior to the <u>Primary Election</u> , shall file a Late Contribution Report. A noncandidate committee that makes independent expenditures in an aggregate amount of more than \$500 within the period between fourteen and four calendar days prior to the <u>Primary Election</u> shall file a Late Expenditure Report. <u>The reports are not required if there are no late contributions or late expenditures.</u> Note: Late contributions and late expenditures will also be reported on the Final Primary Report.)
<input type="checkbox"/> September 2, 2016	July 30 -August 13, 2016	Final Primary
<input type="checkbox"/> <b>October 31, 2016</b>	August 14- <b>October 24, 2016</b>	Preliminary General
<input type="checkbox"/> November 7, 2016	October 25-November 4, 2016	Late Contribution/Expenditure (A noncandidate committee that makes contributions aggregating more than \$500, or receives contributions from any person aggregating more than \$500, within the period of fourteen calendar days through four calendar days prior to the <u>General Election</u> , shall file a Late Contribution Report. A noncandidate committee that makes independent expenditures in an aggregate amount of more than \$500 within the period between fourteen and four calendar days prior to the <u>General Election</u> shall file a Late Expenditure Report. <u>The reports are not required if there are no late contributions or late expenditures.</u> Note: Late contributions and late expenditures will also be reported on the Final Election Period Report.)
<input type="checkbox"/> December 8, 2016	<b>October 25</b> -November 8, 2016	Final Election Period
<input type="checkbox"/> December 8, 2016	<u>or</u> January 1-November 8, 2016	Final Election Period (For noncandidate committees whose aggregate contributions <u>and</u> aggregate expenditures for the election period total \$1,000 or less. All previous election-year disclosure reports are not required to be filed.)

**At the conclusion of the 2016 election period on November 8, 2016, Noncandidate Committees with a surplus or deficit must continue reporting with the Commission until the surplus has been disbursed or the deficit has been cleared. The first report for the 2018 election period is the Supplemental Report due on January 31, 2017, covering the period from November 9 through December 31, 2016.**

**The Noncandidate Committee may terminate its registration and reporting requirements by filing the "Request for Termination of Registration" form, if the Noncandidate Committee has no surplus or deficit and the Commission approves the request.**

**<<PROPOSED SCHEDULE>>**  
**SCHEDULE OF REPORTING DATES**  
**FOR NONCANDIDATE COMMITTEES**

**REGISTRATION DEADLINE**

Organizational Report

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**REPORTING DEADLINES**

<u>DATE REPORT DUE</u>	<u>REPORTING PERIOD</u>	<u>REPORT</u>
<input type="checkbox"/> February 2, 2015	November 5-December 31, 2014 (This is the first report for the 2016 election period.)	Supplemental
<input type="checkbox"/> July 31, 2015	January 1-June 30, 2015	Supplemental
<input type="checkbox"/> February 1, 2016	July 1-December 31, 2015	Supplemental
<input type="checkbox"/> August 3, 2016	January 1-July 29, 2016	Preliminary Primary
<input type="checkbox"/> August 10, 2016	July 30-August 9, 2016	Late Contribution/Expenditure (A noncandidate committee that makes contributions aggregating more than \$500, or receives contributions from any person aggregating more than \$500, within the period of fourteen calendar days through four calendar days prior to the <u>Primary Election</u> , shall file a Late Contribution Report. A noncandidate committee that makes independent expenditures in an aggregate amount of more than \$500 within the period between fourteen and four calendar days prior to the <u>Primary Election</u> shall file a Late Expenditure Report. <u>The reports are not required if there are no late contributions or late expenditures.</u> Note: Late contributions and late expenditures will also be reported on the Final Primary Report.)
<input type="checkbox"/> September 2, 2016	July 30 -August 13, 2016	Final Primary
<input type="checkbox"/> <b>October 1, 2016</b>	August 14- <b>September 26, 2016</b>	Preliminary General
<input type="checkbox"/> November 7, 2016	October 25-November 4, 2016	Late Contribution/Expenditure (A noncandidate committee that makes contributions aggregating more than \$500, or receives contributions from any person aggregating more than \$500, within the period of fourteen calendar days through four calendar days prior to the <u>General Election</u> , shall file a Late Contribution Report. A noncandidate committee that makes independent expenditures in an aggregate amount of more than \$500 within the period between fourteen and four calendar days prior to the <u>General Election</u> shall file a Late Expenditure Report. <u>The reports are not required if there are no late contributions or late expenditures.</u> Note: Late contributions and late expenditures will also be reported on the Final Election Period Report.)
<input type="checkbox"/> December 8, 2016	<b>September 27</b> -November 8, 2016	Final Election Period
	<b>or</b>	
<input type="checkbox"/> December 8, 2016	January 1-November 8, 2016	Final Election Period (For noncandidate committees whose aggregate contributions <u>and</u> aggregate expenditures for the election period total \$1,000 or less. All previous election-year disclosure reports are not required to be filed.)

**At the conclusion of the 2016 election period on November 8, 2016, Noncandidate Committees with a surplus or deficit must continue reporting with the Commission until the surplus has been disbursed or the deficit has been cleared. The first report for the 2018 election period is the Supplemental Report due on January 31, 2017, covering the period from November 9 through December 31, 2016.**

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House Judiciary Committee  
Chair Gilbert Keith-Agaran, Vice Chair Maile Shimabukuro

Friday 02/06/2015 at 9:15 AM in Room 016  
SB508 Relating to Campaign Finance

TESTIMONY OF SUPPORT  
Carmille Lim, Executive Director, Common Cause Hawaii

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Dear Chair Keith-Agaran, Vice Chair Shimabukuro and Committee members:

**Common Cause Hawaii supports SB508**, which would require noncandidate committees to file preliminary reports on October 1 of a general election year, as opposed to the current 10 days prior to general elections.

The 2014 election cycle had an unprecedented amount of “outside” money spent in Hawaii elections -- As of October 30, 2014, just days before the general election Campaign Spending Reports showed that:

- \$10,168,732 Super PAC money was already spent on ballot initiatives.
- \$5.9 million Super PAC money was spent on opposing/supporting candidates.

Media reports confirmed that voters were getting inundated with mailers from noncandidate committees -- independent groups -- urging voters to cast their ballot a certain way. This only increased as we got closer to Election Day. Currently, the Campaign Spending Commission requires these noncandidate committees (particularly the Super PACS -- also known as “independent” groups, “outside” groups) file reports indicating how much they spend, 10 days before a general election. This is not sufficient in educating voters who are interested in knowing this information, as there is a trend of people who cast their ballot by mail, or by early walk-in voting, which starts before the current filing deadline. In order to ensure a transparent election whereby noncandidate committees disclose their spending in time educate early voters, we support an October 1<sup>st</sup> deadline.

That said, we believe that there is also value in a 10-day prior report, to “catch” and make transparent noncandidate committee donations made just days before a general election. There is still value in this, as it helps to educate voters who choose to cast their ballot on Election Day.

**We ask the committee to amend the bill to require the October 1 noncandidate committee preliminary report in addition to the current 10 days prior deadline.**

**We also ask the committee to consider amending the bill to say “30 calendar days before a general election” instead of “October 1.”**

Thank you for the opportunity to testify **in support of SB508 with amendments.**

TO: Members of the Committee on Judiciary and Labor

FROM: Natalie Iwasa  
Honolulu, HI 96825  
[REDACTED]

HEARING: 9:15 a.m. Friday, February 6, 2015

SUBJECT: SB 508 Campaign Finance - **SUPPORT**

Aloha Chair and Committee Members,

Thank you for allowing me the opportunity to provide testimony on SB508, which requires non-candidate committees to file preliminary reports October 1.

We need more time to look at campaign donations prior to elections. I support this bill and ask you to vote "yes."

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [REDACTED]  
**Subject:** Submitted testimony for SB508 on Feb 6, 2015 09:15AM  
**Date:** Wednesday, February 04, 2015 2:30:11 PM

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**SB508**

Submitted on: 2/4/2015

Testimony for JDL on Feb 6, 2015 09:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
christine trecker	Individual	Support	No

Comments: Moving the filing date of non-candidate committee preliminary reports to Oct 1 better serves voters. I urge you to support SB 508.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)