



**STATE OF HAWAII  
CAMPAIGN SPENDING COMMISSION**

235 SOUTH BERETANIA STREET, ROOM 300  
HONOLULU, HAWAII 96813

February 18, 2020

TO: The Honorable Karl Rhoads, Chair  
Senate Committee on Judiciary

The Honorable Jarrett Keohokalole, Vice Chair  
Senate Committee on Judiciary

Members of the Senate Committee on Judiciary

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

SUBJECT: **Testimony on S.B. No. 2149, Relating to Electioneering Communications**

Thursday, February 20, 2020  
9:15 a.m., Conference Room 016

Thank you for the opportunity to testify on this bill.<sup>1</sup> The Campaign Spending Commission ("Commission") supports this bill.

This measure amends Hawaii Revised Statutes ("HRS") §11-341 to change the definition of "disclosure date" from the first date a person has made expenditures during that year of more than \$2,000 to the first date the electioneering communication is publicly distributed, provided that more than \$2,000 has been spent. After the filing of a statement of information, the bill also amends that section to require further electioneering communications to be disclosed only after more than \$2,000 has been spent for electioneering communications since the most recent disclosure date.

The bill further amends the definition of "electioneering communication" by deleting "at a bulk rate" from advertisements sent by mail so that all advertisements sent by mail, be it bulk rate or first class, will be covered by the definition. Finally, the bill deletes items "that constitute expenditures by the expending organization" from the types of communications excluded from the definition of electioneering communication.

The changing of the disclosure date to when the advertisement runs, which triggers the need to file the statement of information, is timelier since contracts for these advertisements could occur weeks or months before the advertisements are publicly distributed. Also, after a

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<sup>1</sup> The companion bill is H.B. No. 1708.

committee files its first statement of information, requiring the spending of more than \$2,000 to again trigger the requirement of filing of another statement of information will reduce the number of disclosures that will be filed. This is especially true in cases where committees choose to buy numerous, inexpensive social media advertisements.

Finally, it makes no sense to consider advertisements mailed by bulk rate only, and not by any other postal rate, to be electioneering communications. Also, some committees have used the exclusion of items “that constitute expenditures by the expending organization” from the definition of electioneering communication, as a reason why those committees did not have to file statements of information. However, all committees are required to file statements of information for electioneering communications. HRS §§11-341(b)(2), 11-341(b)(3), & 11-341(b)(6). This exclusion is not needed since it cannot apply to committees already registered with the Commission and since the spending threshold for electioneering communications is more than \$2,000, any person making an expenditure for electioneering communication will have to register with the Commission.

Statement Before The  
**SENATE COMMITTEE ON JUDICIARY**  
Thursday, February 20, 2020  
9:15 AM  
State Capitol, Conference Room 016

in consideration of  
**SB 2149**  
**RELATING TO ELECTIONEERING COMMUNICATIONS.**

Chair RHOADS, Vice Chair KEOHOKALOLE, and Members of the Senate Judiciary Committee

Common Cause Hawaii supports SB 2149 with comments, which (1) amends the definition of "disclosure date" to mean the date on which the electioneering communication is publicly distributed and (2) expands the definition of "electioneering communication" to apply to advertisements sent by any mail rate and communications regarding expenditures of the organization.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy through improving our campaign finance system with laws that amplify the voices of everyday Americans by requiring strong disclosures and making sure everyone plays by the same commonsense rules.

SB 2149 provides that candidates and noncandidate committees will be required to file electioneering communication disclosures once the \$2,000 aggregate threshold is reached within a calendar year and every subsequent time the \$2,000 aggregate threshold is reached in the same calendar year.

Section 11-341, Hawaii Revised Statutes, currently provides that candidates and noncandidate committees will be required to file electioneering communication disclosures if the \$2,000 aggregate threshold is reached and then for any electioneering communication thereafter.

While Common Cause Hawaii understands that filing a disclosure for a possible \$1 Facebook ad may be unduly burdensome for the Hawaii Campaign Spending Commission to process, the subsequent aggregate filing amount for electioneering communication disclosures, as proposed under SB 2149, should likely be lower than the \$2,000 aggregate amount proposed. There are some smaller races, such as county council races or neighbor island races, or uncontested races, that may not reach the \$2,000 subsequent aggregate amount proposed but would still benefit from disclosure for the transparency of our elections.

Thank you for the opportunity to testify in support of SB 2149 with comments. If you have further questions of me, please contact me at [sma@commoncause.org](mailto:sma@commoncause.org).

Very respectfully yours,  
Sandy Ma  
Executive Director, Common Cause Hawaii

**SB-2149**

Submitted on: 2/17/2020 7:08:39 PM

Testimony for JDC on 2/20/2020 9:15:00 AM

| Submitted By   | Organization                                 | Testifier Position | Present at Hearing |
|----------------|--|--------------------|--------------------|
| Beppie Shapiro | Testifying for League of Women Voters Hawaii | Support            | No                 |

Comments:

This bill makes sensible changes to definitions of electioneering communications dates and deadlines. We fully support SB2149.

Beppie Shapiro for the Hawaii League of Women Voters