STAND. COM. REP. NO. Honolulu, Hawaii , 2021 FEB 19 H.B. No. 144 RE: H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Government Reform, to which was referred H.B. No. 144 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONEERING COMMUNICATIONS,"

begs leave to report as follows:

The purpose of this measure is to:

- Increase the monetary threshold that requires disclosure of electioneering communications;
- (2) Require that disclosures of electioneering communications occur on the date the electioneering communications are publicly distributed; and
- (3) Classify election advertisements sent by mail at any postal rate and election advertisements that are expenditures of an organization as electioneering communications.

Your Committee received testimony in support of this measure from the Campaign Spending Commission, Common Cause Hawaii, and one individual.

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Your Committee finds that amending the disclosure date of electioneering communications to occur on the date the electioneering communications are publicly distributed is timelier, as contracts for these advertisements may occur weeks or months before the advertisements are publicly distributed. Your Committee further finds that increasing the monetary threshold amount that would require disclosure of an electioneering communication will reduce the burden on smaller candidate committees with less activity.

Your Committee additionally finds that including expenditures by an expending organization under the classification of electioneering communication is unneeded. As defined, an expenditure by an expending organization means a contract or payment for said electioneering communication. However, there may be times when a said expenditure is made but the electioneering communication that was contracted or paid for is not broadcast. Despite the payment or contract, because there was no actual communication of record, filing a notification does not serve the cause of transparency.

Your Committee has amended this measure by:

- Restoring existing statutory language that exempts expenditures by an expending organization from being classified as an electioneering communication;
- (2) Changing its effective date to July 1, 2112, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Government Reform that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 144, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 144, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

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Respectfully submitted on behalf of the members of the Committee on Government Reform,

A CONTRACTOR

ANGUS L.K. MCKELVEY, Chair

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State of Hawaii



Record of Votes of the Committee on Government Reform

Bill/Resolution No.Committee Referral:Date: $HB 144$ C_VR , JHA $2 - 17 - 21$					
□ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: □ Pass, unamended (as is) □ Pass, with amendments (HD) □ Hold □ Pass short form bill with HD to recommit for future public hearing (recommit) □ □ □					
GVR Members	Ayes	Ayes (WR)	Nays	Excused	
1. McKELVEY, Angus L.K. (C)	$\overline{}$				
2. WILDBERGER, Tina (VC)					
3. CULLEN, Ty J.K.	~				
4. ELI, Stacelynn K.M.					
5. ICHIYAMA, Linda			al an	n an	
6. MIZUNO, John M.			······································	\sim	
7. WOODSON, Justin H.					
8. YAMASHITA, Kyle T.					
		lin er samt der op Rosserte			
9. WARD, Gene			· · · · · · · · · · · · · · · · · · ·		
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TOTAL (9)	5	Ø	\otimes	4	
The recommendation is: Adopted If joint referral, did not support recommendation.					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee D	Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				