

## Appendix B – Meeting Minutes April 14, 2022

### Commission to Improve Standards of Conduct

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;

Sandy Ma, Executive Director of Common Cause Hawaii;

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;

Vice Chair Harris convened the meeting at 2:02 pm. All members of the Commission attended the meeting.

#### I. Public testimony

The Commission noted that they received written testimony from one individual. No oral testimony was received by the Commission.

The Commission agreed as a policy to allow for public participation through written or oral testimony at the beginning of meetings, and as may be appropriate at other times during future meetings. In addition, the Commission will make available to public all written testimony it receives via posting on the House of Representatives website.

The Commission's website can be found here: [Committees \(hawaii.gov\)](https://committees.hawaii.gov)

#### II. Update on current status of bills before the Legislature

The Commission highlighted certain bills from its recommendations in the Interim Report and provided an update on its status of those bills. Specifically, the following bills were discussed briefly:

- SB2930 SD2;
- SB555 SD1 HD1;
- HB1475 HD1 SD1; and
- HB1427 HD1 which has been signed into law as Act 3.

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### III. Schedule future meetings

The Commission considered the due date of its Final Report of December 1, 2022, and considering the number of opportunities that the Commission would be able to meet to discuss topics for recommendation in its Final Report. The Commission sketched out a meeting schedule that could consistently take place every two weeks and comfortably allow for 14 meetings prior to the due date of the Final Report.

The Commission also plans to save the final few meetings to review the draft Final Report, proposed legislation, and discuss any final recommendations.

The Commission discussed what members can commit to scheduling and a potential framework for how the meetings should be unfold. For most meetings the Commission will plan to invite a facilitator who is experienced in the given topic for discussion and who can help set the meeting's agenda, answer questions of the commissioners, and help guide the conversation and topic for that meeting.

The commissioners referred to the topics recommended in the Interim Report for further exploration and determine which topics should be amongst the initial four or five topics to discuss. The Commission agreed that topics can be discussed at more than one meeting if necessary, or if the facilitator brings up any issues outside of that week's agenda topic.

The Commission agreed to schedule the following five topics to be discussed during the months of June and July.

#### Meeting scheduled for June 1, 2022: Ethics and Gifts

The topic for this meeting will concern gift restrictions for lobbyists to create a reciprocal prohibition that state employees are currently subject. One issue along these lines that the Commission wants to be mindful of is the First Amendment rights under the Constitution. The Commission will invite certain speakers with experience and expertise and consider any individuals with significant insight into First Amendment rights to help identify areas of concern that the Commission should be aware. However, the ethics subject may not require outside speakers for the Commission. Concepts for the Commission to consider going forward and if a consensus is reached proceed with the requisite research and bill drafting as necessary. Topics could be lobbyist training, nepotism prohibitions, disclosure of lobbyist supported bills, legislative rules to tighten up conflict of interest provisions, and an aloha gift exception for the public.

Consideration will be given to the idea of consulting with county representatives and stakeholders familiar with ethical issues and concerns.

Vice Chair Harris will take the lead on preparing for this topic.

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### Meeting scheduled for June 15, 2022: Election Law Modernization

This planned meeting will center on prospects for reforming election laws to prevent corruption. Specific proposals may include ranked choice voting, "jungle" primary, top two primary election, term limits, and voter education. Potential invitees would be the State Office of Elections, county election divisions, and national advocates for such proposals.

Members Ma and Mason will take the lead on preparing for this topic.

### Meeting scheduled for June 29, 2022: Campaign Finance Reform

The topic of campaign financing and public funding of elections will be considered, including the potential for partial-public funding of elections. The Commission noted that the partial-public funding of elections law has not been amended since 1995, making the law primarily feasible for local county races only. Other related concerns that the Commission will pursue are dark money contributions and increases in penalties for Super PAC violations.

Member Izumi-Nitao will take the lead on preparing for this topic.

### Meeting scheduled for July 13, 2022: Criminal Prosecution and Fraud

The Commission will consider the idea of increased criminal penalties and tools for enforcement agencies. The commissioners discussed potential invitations on this topic that should be sent to the Attorney General's Office, the United States Attorney, county Prosecutors, and former Attorneys General.

The Commission also discussed potential ways to make available time in cases where multiple invitees can discuss certain topics with the Commission. Suggestions were made to hold meetings on multiple days in a row or potentially creating a panel discussion.

The Commission suggests that invited speakers pinpoint specific legislation that would assist the Commission in drafting legislation for introduction next year that would specifically amend statutory provisions or create new laws in the Hawaii Revised Statutes.

Topic of legislative process changes, reflection on best practices and what other Legislatures are doing to accomplish such tasks.

Members Nakakuni and Marumoto will take the lead on preparing for this topic.

### Meeting scheduled for July 27, 2022: Open Government Laws

This meeting is planned to center on issues pertaining to Sunshine laws, disclosure of government records, and informational practices of government (including the Legislature). It was suggested that it might be informative to include a Hawaii government agency tasked with compliance of these laws. Potential facilitators to invite are the

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Director of the State Office of Informational Practices and the President and Executive Director of The Civil Beat Law Center for the Public Interest.

Members Ma and Mason will lead this topic.

Topics identified for discussion are just a start to the topics that will be discussed and considered as recommendations for the Commission's Final Report. In August after these initial meetings have concluded, the Commission will reassess its progress and determine a plan for the following months of August, September, and October.

The Commission agreed to save potential recommendations to change legislative rules until later since some of the initial discussions and recommendations of the Commission could impact such changes to the legislative rules.

#### IV. Other matters

The Commission agreed to circulate draft agendas a few weeks in advance of the schedule meeting to make sure meeting agendas are complete, and inform commissioners about the content of the session (including any invited facilitators or speakers for that meeting).

The Commission will allow invited facilitators or speakers to address to any particular subject of discussion before the Commission or in its Interim Report.

The Commission agreed to more heavily publicize the upcoming meetings to ensure that the public has sufficient awareness of the upcoming topics and the opportunity to prepare written testimony or present oral testimony.

In future meetings the Commission is considering hybrid meetings that will take place via Zoom and in-person in a conference room at the Capitol.

The next meeting will take place on Wednesday June 1, 2022, from 2pm to 4:30pm and every two weeks thereafter.

The meeting adjourned at 3:33 pm.