



STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION


235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

February 15, 2022

TO: The Honorable Mark M. Nakashima, Chair
House Committee on Judiciary & Hawaiian Affairs

The Honorable Scot Z. Matayoshi, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

Members of the House Committee on Judiciary & Hawaiian Affairs

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

SUBJECT: **Testimony on H.B. No. 1888, HD 1, Relating to Electioneering Communications**

Wednesday, February 16, 2022
2:00 p.m., Via Videoconference

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

This purpose of the bill is to (1) Increase the threshold amount of aggregated expenditures for electioneering communications in a calendar year from more than \$1,000 to more than \$2,000 before the filing of a statement of information would be required, (2) require that the disclosures of electioneering communications occur on the date the electioneering communications are publicly distributed, (3) Specify the disclosure date for subsequent public distribution of electioneering communications, (4) Exempt election advertisements published by electronic means from being considered electioneering communications, and (5) Repeal the actual expenditures exception from the definition of electioneering communications. This bill incorporates the contents of H.B. No. 1425, the Commission's electioneering communications bill. The Commission asks this Committee to change the effective date to upon approval and pass this measure.

Statement Before The
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Wednesday, February 16, 2022

2:00 PM

Via Video Conference and Conference Room 325

in consideration of
HB 1888, HD1
RELATING ELECTIONEERING COMMUNICATIONS.

Chair NAKASHIMA, Vice Chair MATAYOSHI, and Members of the House Judiciary & Hawaiian Affairs Committee

Common Cause Hawaii supports HB 1888, HD1, with suggested amendments and seeking clarifications, which (1) increases the threshold amount that requires disclosure of electioneering communications, (2) requires that disclosures of electioneering communications occur on the date the electioneering communications are publicly distributed, (3) specifies the disclosure date for subsequent public distribution of electioneering communications, (4) exempts election advertisements published by electronic means from being considered electioneering communications, (5) repeals the actual expenditures exception from the definition of "electioneering communication", and (6) applies to all elections beginning with the 2022 primary election.

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 people.

Common Cause Hawaii supports HB 1888, HD1 at page 5, lines 11-14, amending that portion of the Electioneering Communications statute to require subsequent disclosure filings after the initial \$2,000 aggregate spending threshold is reached.

Common Cause Hawaii points out that the definition of "person" in Hawaii Revised Statutes (HRS) § 11-341(d) specifically provides it "shall not include a candidate or candidate committee." However, HB 1888, HD1 at page 6, lines 20-21 defines person to "not include candidate or noncandidate committee." Emphasis added. Common Cause Hawaii is unclear as to when the definition of "person" under HRS § 11-341 was changed to include noncandidate committees. (It may have been inserted from [HB1425](#).) The definition of person should just be removed from HRS § 11-341(d) to ensure that the intent of HB 1888, HD1 as set forth in the preamble may be properly effectuated.

Common Cause Hawaii also seeks clarification that electioneering communications will still apply to election advertisements published by electronic means and HB 1888, HD1 will not exempt an election advertisement published in an electronic periodical or newspaper.

Thank you for the opportunity to testify in support of HB 1888, HD1, with suggested amendments and seeking clarification. If you have questions of me, please contact me at sma@commoncause.org.

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