



**STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION**

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

March 29, 2022

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 *KIN*
Campaign Spending Commission

SUBJECT: **Testimony on H.B. No. 1888, HD 2, Relating to Electioneering Communications**

Friday, April 1, 2022
9:30 a.m., Conference Room 016 & 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 news story or editorial published by electronic means from being considered electioneering communications; and (5) Repeal the actual expenditures exception from the definition of electioneering communications. This bill incorporated 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 approval¹ and pass this measure.

¹ Section 5 of the bill provides an effective date of July 1, 2012, but also states that the bill shall apply to elections beginning with the 2022 primary election. The effective date should be changed to July 1, 2022, or upon approval.

Statement Before The
SENATE COMMITTEE ON JUDICIARY

Friday, April 1, 2022

9:30 AM

Via Video Conference and Conference Room 016

in consideration of
HB 1888, HD2
RELATING ELECTIONEERING COMMUNICATIONS.

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

Common Cause Hawaii supports HB 1888, HD2, 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, HD2 at page 3, lines 9-12, amending that portion of the Electioneering Communications statute to require subsequent disclosure filings after the initial \$2,000 aggregate spending threshold is reached. While Common Cause Hawaii understands the potential burden on noncandidate committees and the Commission to process the statements of information, we prefer keeping the \$1,000 threshold amount to ensure that smaller, local races will also be subject to Hawaii Revised Statutes (HRS) § 11-341. This will permit continued transparency and accountability in smaller county council and prosecutor races.

Common Cause Hawaii also suggests deleting the definition of person, at 4, lines 17-18, which excludes "candidate or candidate committee", for improved transparency and accountability in our elections.

Further, Common Cause Hawaii notes that HB 1888, HD2 amends the definition of "disclosure date" at page 3, lines 3-9, to the "date on which subsequent electioneering communication is publicly distributed" versus the original definition of "has made expenditures" on page 3, line 4. Common Cause Hawaii is concerned with definitional change to "disclosure date". This is because an electioneering communication may be contracted / purchased and then subsequently and serially distributed at a later time. If the disclosure date did not include dates on which a contract is executed, i.e., "has made expenditures", a person could conceivably make their contracts for electioneering communications payable after the election and wait to disclose that spending, depriving the public of that information until it's too late. Additionally, changing to "publicly distributed" could make administration more difficult and possibly lead to less timely disclosure in the last few weeks or days leading up to an election. Everyone who had previously been reporting their contracts for electioneering

communications well ahead of the election, when their contracts were executed, would now be reporting all of those in together in that short period right before the election.

Common Cause Hawaii also seeks clarification that electioneering communications will still apply to election advertisements published by electronic means and HB 1888, HD2 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, HD2, 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



LATE

HB-1888-HD-2

Submitted on: 4/1/2022 1:40:18 PM

Testimony for JDC on 4/1/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
L Basha	Individual	Support	Written Testimony Only

Comments:

This change should help the regulation of our election process.