



STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

April 1, 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 KEI

SUBJECT: **Testimony on S.B. No. 665, SD 1, HD 1, Relating to Violations of Campaign Finance Law**

Monday, April 4, 2022
2:00 p.m., Conference Room 325 & via Videoconference

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

This measure amends Hawaii Revised Statutes ("HRS") §11-391, concerning advertising disclaimers, by making any person who knowingly or intentionally provides false information about the name or address of the person paying for the advertisement guilty of a class C felony. The measure amends HRS §11-411 to permit the Commission to refer a complaint for prosecution in addition to an administrative determination. The measure also amends HRS §11-412(c) by increasing the disqualification from holding elective public office for a campaign-finance violation conviction from four to ten years.

An advertisement with a false disclaimer was published in the 2020 elections. The Commission believes that making the false reporting of the name and address of the person paying for the advertisement a felony will deter the conduct. The Commission also supports the ability to assess a civil fine for certain violations of law and refer the same matter for prosecution. Presently, the Commission has to choose between proceeding to an administrative determination or a referral of a complaint for prosecution. The Commission will retain civil jurisdiction of a referral should prosecution be declined. But at least in one case, prosecution was declined several years after the referral was made. Thus, when the matter came back for administrative determination, the Commission had new members who did not hear the complaint when the referral was originally made.

Statement Before The
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Monday, April 4, 2022
2:00 PM
Conference Room 325 and Via Videoconference

in consideration of
SB 665, SD1, HD1
RELATING TO CAMPAIGN FINANCE.

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

Common Cause Hawaii supports in part and opposes in part SB 665, SD1, HD1, which (1) establishes that intentionally providing false information concerning the name or address of a person paying for a campaign advertisement is a class C felony, (2) increases from four years to ten years the period during which a person convicted for a criminal violation of campaign finance law shall be disqualified from holding elective office, (3) establishes that the exercise of enforcement authority by the attorney general or prosecuting attorney may be the basis for prosecution of campaign finance law violations, and (4) repeals certain exemptions from criminal prosecution for campaign finance violations.

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

Common Cause Hawaii supports SB 665, SD1, HD1, which subjects those to criminal penalties who intentionally provide false information about which person is paying for an advertisement under Hawaii Revised Statutes (HRS) § 11-391. Election advertisements, with their abilities to influence the public's vote, need to disclose truthfully and honestly the person who is underwriting the advertisement for full transparency in our electoral process. Such information cannot be knowingly or intentionally omitted for a fair election.

Thank you for the opportunity to testify, supporting in part and opposing in part, on SB 665, SD1, HD1. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii



Committee on Judiciary and Hawaiian Affairs
Chair Nakashima, Vice Chair Matayoshi

April 4, 2022, 2 PM Room 325 and Videoconference
SB665 SB1 HD1 — RELATING TO VIOLATIONS OF CAMPAIGN FINANCE LAW

TESTIMONY

Beppie Shapiro, Legislative Committee, League of Women Voters of Hawaii

Chair Nakashima, Vice Chair Matayoshi, and Committee Members:

The League of Women Voters of Hawaii strongly supports SB665 SD1 HD1, which establishes that intentionally providing false information concerning the name or address of a person paying for a campaign advertisement is a class C felony; Increases from four years to ten years the period during which a person convicted for a criminal violation of campaign finance law shall be disqualified from holding elective office; establishes that the exercise of enforcement authority by the attorney general or prosecuting attorney may be the basis for prosecution of campaign finance law violations and repeals certain exemptions from criminal prosecution for campaign finance violations.

In order to achieve the goals of campaign finance regulation, the League of Women Voters supports enhanced enforcement of campaign finance laws.

One way voters can learn about and evaluate candidates for public office, is to find out what individuals or organization are supporting the candidate. Thus our support for Section 1: In Section 1, SB665 SB1 HD1 would classify as a Class C felony, the violation of campaign finance law by intentionally providing false information on the name/address of payor(s) for a campaign advertisement as defined in §11-391 Advertisements . This enhanced classification would, we believe, be an effective deterrent to deceiving the public about what people or organizations are financially supporting a candidate.

Section 2 is “housekeeping” to ensure consistency .

League of Women Voters of Hawaii
P.O. Box 235026 ♦ Honolulu, HI 96823
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Section 3 corrects the current implication that the basis for referring a violation to the Attorney General or County Prosecutor should depend on a mental state of belief on the part of the members of the Campaign Spending Commission. Surely a serious action such as referral to those legal officers, with the implication that the complaint may be investigated as potentially criminal, should not be based on the unknowable and subjective mental beliefs of Commissioners. We support removing that language from the current statute.

We support the language of Section 4, particularly subsection (c) increasing the time between a conviction under this section, and the time when the convicted individual may see elective office.

Thank you for the opportunity to submit testimony.

SB-665-HD-1

Submitted on: 4/2/2022 11:05:51 AM

Testimony for JHA on 4/4/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in Support.