



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

**HOUSE OF REPRESENTATIVES
THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2026**

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

Tuesday, March 31, 2026, 2:00 PM
Conference Room 325 & Videoconference

Re: Testimony on SB3055, SD2, SD1 – FALSE IMPERSONATION OF UNION REPRESENTATIVES

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for approximately 12,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties.

UPW **strongly supports** SB3055, SD2, HD1, which prohibits a person from falsely impersonating an employee organization representative and establishes a cause of action and penalties.

This bill is intended to address ongoing campaigns by anti-union organizations, encouraging employees to opt out of their unions through deceptive tactics. In the past year, these third-party entities have utilized mailing campaigns to mislead public employees and exploit the trust that they place in their union representatives.

Like the other public sector unions, UPW provides our Bargaining Unit 1 and 10 members with contract enforcement, workplace advocacy, training, and legal support. Misleading workers to opt out of their unions, because of these deceptive campaigns, can strip them of protections and benefits they would not be eligible for if they opt out. If these organizations want to advocate against unions, they should do so without deceiving workers.

Mahalo for the opportunity to testify in support of this measure.

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The House Committee on Judiciary and Hawaiian Affairs

March 31, 2026

Room 325

2:00 PM

RE: SB 3055 SD2 HD1, Relating to False Impersonation of Union Representatives

Attention: Chair David A. Tarnas, Vice Chair Mahina Poepoe, Members of the Committee

The University of Hawaii Professional Assembly (UHPA), the exclusive bargaining representative for all University of Hawai'i faculty members across Hawai'i's statewide 10-campus system, **supports SB 3055 SD2 HD1.**

As the exclusive bargaining representative for faculty members, UHPA relies on clear, trusted communication channels to inform our members about their rights and benefits. Individuals who fraudulently hold themselves out as union representatives can cause significant harm by spreading misinformation, creating confusion regarding representation rights, and potentially disrupting labor relations. Establishing a clear statutory prohibition against such deceitful conduct is a necessary step to protect the integrity of the collective bargaining process and ensure that public employees are not misled by unauthorized actors.

Support for the "Intent to Deceive" Language. UHPA strongly supports the retention of the language in the current SD2 HD1 draft, which clarifies that a material omission must be made "with the specific intent to deceive". We appreciate that this prior amendment was preserved in the measure, as it successfully ensures that this law will strictly target bad actors and fraudsters, rather than inadvertently penalizing faculty members who may simply forget to issue a disclaimer during passionate workplace discussions. The current SD2 HD1 draft strikes the right balance by protecting our members' speech while addressing this critical issue.

UHPA supports the passage of SB 3055 SD2 HD1.

Respectfully submitted,

Christian L. Fern
Executive Director
University of Hawaii Professional Assembly

**University of Hawaii
Professional Assembly**



HAWAII STATE AFL-CIO

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March 31, 2026

The Thirty-Third Legislature
The House of Representatives
Committee on Judiciary & Hawaiian Affairs

SUBJECT: TESTIMONY IN STRONG SUPPORT OF SB3055 SD2 HD1 – RELATING TO FALSE IMPERSONATION OF UNION REPRESENTATIVES

Chair Tarnas, Vice Chair Poepoe, and members of the committee:

The Hawaii State AFL-CIO is in strong support of SB3055 SD2 HD1 because it is a targeted and common-sense measure to prevent deception and protect workers from being misled. This bill does not regulate opinions about unions or restrict advocacy. It simply prohibits individuals from falsely claiming to represent an employee organization when they do not.

Workers regularly receive mailers, emails, and other communications that appear official and are designed to look authoritative. When those communications falsely imply authorization from a union or its representatives, workers can be misled into making decisions without accurate or complete information. That conduct undermines trust, creates unnecessary confusion in the workplace, and interferes with employees' ability to make informed choices about their rights and representation.

SB3055 SD2 HD1 addresses this problem narrowly and responsibly. It focuses on impersonation and misrepresentation, conduct the public already recognizes as unacceptable in other contexts such as financial fraud or identity theft. The bill does not silence critics of unions or prevent anyone from encouraging workers to opt out of membership. It requires honesty about who is speaking and whether that speech is authorized.

Clear rules about representation benefit everyone. Workers deserve to know whether a communication comes from their certified representative. Employers benefit from stability and clarity in labor-management relations. The public benefits when workplace disputes are not fueled by deception. We respectfully urge the committee to pass SB3055 SD2 HD1.

Respectfully submitted,

A handwritten signature in black ink that reads "Randy Perreira".

Randy Perreira
President
Hawaii State AFL-CIO



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Third Legislature, State of Hawaii
House of Representatives
Committee on Judiciary and Hawaiian Affairs

Testimony by
Hawaii Government Employees Association

March 31, 2026

S.B. 3055, S.D. 2, H.D. 1 – RELATING TO FALSE IMPERSONATION OF UNION REPRESENTATIVES

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports S.B. 3055, S.D. 2, H.D. 1, which prohibits a person from falsely impersonating an employee organization representative.

Since the Janus v. AFSCME Supreme Court ruling in 2018, the Freedom Foundation and other anti-worker groups have sent deceptive mailers to our members with the intent to get them to walk away from the union by dropping their union dues and membership. Their goal is to weaken worker protections, and ultimately end collective bargaining at the benefit of big corporations and the ultra-wealthy. These mailers are misleading and may imply to the recipient that it's from us. We appreciate the intent of this measure as it looks to begin the conversation about this issue, especially at a time when worker rights are under unprecedented attack from bad actors within our federal government, and big corporations.

Thank you for the opportunity to testify in strong support of S.B. 3055, S.D. 2, H.D. 1.

Respectfully submitted,



Randy Perreira
Executive Director

To: House Committee on Judiciary & Hawaiian Affairs
From: Ben Straka, Freedom Foundation
Date: March 31, 2026
Re: SB 3055

LATE

Chair Tarnas and Members of the Committee:

My name is Ben Straka, and I serve on the research and government affairs team at the Freedom Foundation, a 35-year-old nonprofit organization that works to advance the principles of individual liberty, free enterprise, and limited, accountable government. Originally founded in Washington state, the Freedom Foundation now operates nationwide with staff and offices around the continental United States, with a focus on holding public-sector unions accountable to their members and taxpayers.

As the singular target of Senate Bill (SB) 3055, the Freedom Foundation strongly opposes this legislation.

Our concerns are not speculative. The union officials supporting this legislation have already singled out the Freedom Foundation, and *only* the Freedom Foundation, by name in their written¹ and in-person testimonies² and have specifically stated that SB 3055 is intended to “get out in front of” the Freedom Foundation’s supposedly deceptive activities seen in places like Oregon.³

More accurately, SB 3055 is closely modeled after a highly controversial bill passed along party lines in Oregon last year⁴ that, far from addressing any legitimate concerns of false impersonation, was widely exposed as a dishonest attempt by union leaders to suppress the Freedom Foundation’s communications to public employees about their constitutional rights.⁵ As a result, that legislation is currently the subject of ongoing federal litigation before the U.S. Ninth Circuit Court of Appeals.⁶

Like the Oregon legislation it copies, SB 3055 does not appear to be supported by any actual Hawaii public employees—only government union leaders—and its proponents have not produced

¹ See, for example, written testimony submitted to the Senate Committee on Labor and Technology on February 6, 2026. https://www.capitol.hawaii.gov/sessions/session2026/Testimony/SB3055_TESTIMONY_LBT_02-06-26_.PDF

² See statements by the United Public Workers during the March 19, 2026 public hearing on SB 3055 in the House Committee on Labor. <https://www.youtube.com/live/xZCqgkhu1g?si=XRX3EDEBQUjWRhpk&t=4565>

³ *Id.*

⁴ Oregon Legislative Information System. HB 3789 (2025). <https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/HB3789>

⁵ Wall Street Journal editorial board. “Oregon Punishes the Freedom Foundation.” December 28, 2025. https://www.wsj.com/opinion/oregon-punishes-the-freedom-foundation-471ff91b?reflink=desktopwebshare_permalink

⁶ *Freedom Foundation v. Rayfield et al.*, No. 3:2025cv02451

a single piece of evidence demonstrating that the Freedom Foundation “impersonates” union representatives or deceives public employees in any other way.

By way of background, the Freedom Foundation operates a project called Opt Out Today,⁷ through which it engages in grassroots outreach to public employees about their constitutional right to opt out of union membership and dues payments as recognized by the U.S. Supreme Court’s ruling in *Janus v. AFSCME* (2018).⁸ The Freedom Foundation’s various forms of outreach include door-to-door-canvassing, direct mail, and email communications.

The only substantive claim made by any of SB 3055’s proponents thus far came during the bill’s March 19, 2026, hearing in the House Committee on Labor, at which a United Public Workers (UPW) lobbyist apparently took issue with the Freedom Foundation’s practice of providing a form letter to public employees which they may fill out, sign and return to exercise their First Amendment right to cancel union dues payments.⁹ Typically, such letters identify the appropriate union official responsible for processing the cancellation, though because government unions—including those supporting SB 3055—commonly restrict their members’ ability to cancel dues to arbitrary, hard-to-navigate annual “window periods,”¹⁰ they are addressed back to the Freedom Foundation, which then assists the employees in submitting their opt-out letter to the union at the appropriate time.

Notably, UPW failed to inform the committee that such outreach material clearly identifies the Freedom Foundation as its sender¹¹ and, furthermore, that the opt-out letters provided to public employees clearly state, “I authorize the Freedom Foundation to transmit this notice to UPW and/or my employer on my behalf.”¹² Furthermore, though the UPW lobbyist described his union’s efforts to convince public employees change their mind about opting out and instead to remain dues-paying members, he did not assert that any employee was actually deceived by the Freedom Foundation’s material.¹³

Simply put, SB 3055 is not about any actual false impersonation of union representatives by my organization—which does not happen—but is broadly drafted to give government unions a statutory blessing to wage costly legal attacks against the Freedom Foundation over its legitimate mail and email communications to public employees.

⁷ Opt Out Today. <https://www.optouttoday.com/>

⁸ *Janus v. AFSCME Council 31*, 585 U.S. 878, 138 S. Ct. 2448, 201 L. Ed. 2d 924 (2018)

⁹ See statements by the United Public Workers during the March 19, 2026 public hearing on SB 3055 in the House Committee on Labor. <https://www.youtube.com/live/xZCqgkhu1g?si=XRX3EDEBQUjWRhpk&t=4565>

¹⁰ For example, the Hawaii Government Employees Association, AFSCME Local 152, includes fine print in its membership applications stating that dues payments “shall be irrevocable, regardless of whether I am or remain a member of HGEA, for a period of one year from the date of execution, and for year to year thereafter unless I give HGEA written notice of revocation within thirty (30) days before the anniversary of the date of execution.” <https://www.hgea.org/apply-online/public-sector-membership-application/>

¹¹ See, for example, the Freedom Foundation’s Thanksgiving-themed mailer sent to public employees in Hawaii. <https://www.freedomfoundation.com/wp-content/uploads/2026/03/Natl-Thanksgiving-mailer.pdf>

¹² See, for example, the opt-out letter and return envelope provided to UPW-represented public employees. <https://www.freedomfoundation.com/wp-content/uploads/2026/03/UPW-opt-out-letter.pdf>

¹³ See statements by the United Public Workers during the March 19, 2026 public hearing on SB 3055 in the House Committee on Labor. <https://www.youtube.com/live/xZCqgkhu1g?si=XRX3EDEBQUjWRhpk&t=4565>

SB 3055 represents an egregious abuse of legislative power. It serves no public policy purpose whatsoever but instead serves only the private interests of a large special interest group by helping them squash a political opponent with lawfare. SB 3055 should go no further.

Respectfully,

A handwritten signature in black ink, appearing to read "Ben Straka". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ben Straka
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