

Honolulu, Hawaii

Feb 16, 2006

RE: H.B. No. 3234
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 3234 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose of this bill is to prohibit elected officials and candidates for office from appearing in a public service television, radio announcement broadcast, or print advertisement produced on behalf of a state-administered program or paid for with state or public funds three months prior to an election.

The Campaign Spending Commission supported the intent of this bill.

Your Committee believes that the prohibition should apply to all candidates and that the prohibition should commence upon the candidate filing nomination documents. Your Committee also notes that the prohibition is not intended to cause confusion with the laws pertaining to electioneering communications.

Accordingly, your Committee has amended this bill by:

- (1) Applying the prohibition of appearing or lending voice to a public service announcement to all candidates for office from the time the candidate files nomination papers until the time the person is no longer a candidate;



- (2) Clarifying that a candidate who is a public official is exempt from the prohibition if the announcement or advertisement is in response to disaster or state or national emergency for purposes necessary to the official function of the candidate;
- (3) Specifying that the provisions are not intended to prohibit a candidate from appearing in any broadcast of official state or county proceedings; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3234, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3234, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


for SYLVIA LUKE, Chair



