


STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

March 12, 2008

TO: The Honorable Brian Taniguchi
The Honorable Clayton Hee
Members of the Senate Committee on Judiciary and Labor

FROM: Barbara U. Wong, Executive Director 
Campaign Spending Commission

SUBJECT: Testimony on H.B. No. 2656, Relating to Campaign Contributions

Wednesday, March 12, 2008
9:00 a.m. in Conference Room 016

Chair Taniguchi, Vice-Chair Hee, and Members of the Senate Committee on Judiciary and Labor, thank you for the opportunity to testify on this bill.¹

The Campaign Spending Commission is not opposed to this bill.

Under the current law, contributions from the candidate's "immediate family" are exempt from the contribution limits in Hawaii Revised Statutes ("HRS") §11-204(a)² but shall be limited in the aggregate to \$50,000 in any election period, provided that the aggregate amount of loans and contributions received from the candidate's immediate family does not exceed \$50,000 during an election period. Contributions from the candidate's

¹ This is the companion bill to S.B. No. 2322 which was referred to this committee, but a hearing on the bill was not scheduled.

² §11-204 Campaign contributions; limits as to persons.

(a)(1) No person or any other entity shall make contributions to:

(A) A candidate seeking nomination or election to a two-year office or to the candidate's committee in an aggregate amount greater than \$2,000 during an election period;

(B) A candidate seeking nomination or election to a four-year statewide office or to the candidate's committee in an aggregate amount greater than \$6,000 during an election period; and

(C) A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.

...

(c) A candidate's immediate family, in making contributions to the candidate's campaign, shall be exempt from the above limitation, but shall be limited in the aggregate to \$50,000 in any election period. The aggregate amount of \$50,000 shall include any loans made for campaign purposes to the candidate from the candidate's immediate family.

The Honorable Brian Taniguchi
Testimony regarding H.B. No. 2656
March 12, 2008
Page 2

immediate family are also exempt from the 20% contribution cap on nonresident contributions in HRS §11-204.5.³

This bill proposes to amend the definition of "immediate family" in HRS §11-191 to read as follows:

""Immediate family" means a candidate's spouse[;] or reciprocal beneficiary, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses or reciprocal beneficiaries of such persons. For the purposes of this part, "reciprocal beneficiaries" shall have the same meaning as in section 572C-3."

³ §11-204.5 Limit on contributions from nonresident individuals and persons. Contributions from all persons, except for a member of the candidate's immediate family, who are not residents of the State at the time the contributions are made, including a noncandidate committee organized under the laws of another state and whose participants are not residents of the State, shall not exceed twenty per cent of the total contributions received by a candidate or candidate's committee for each reporting period.

*The Gay, Lesbian, Bisexual,
and Transgendered Caucus of the Democratic Party of
Hawaii'i*



Testimony in Support of HB2656 - adding RB family members to campaign spending law.

TO: Senate Judiciary Committee; Senator Brian Taniguchi, Chair and Committee Members

FROM: The GLBT Caucus of the Democratic Party of Hawaii.

The mission of justice and equality has many elements. Our GLBT Caucus has maintained its mission to help us help get us all to a better future working and living together to make this world a good as we can.

Mission Statement (Part)

The Gay, Lesbian, Bisexual, and Transgendered Caucus of the Democratic Party of Hawaii'i is organized to help . . . to ensure that no individual suffers discrimination or deprivation of rights based on race, religion, ethnicity, sex, sexual orientation, gender identity, handicapped status or disability, national origin, age, and any other non-merit status. The Gay, Lesbian, Bisexual, and Transgendered Caucus to the Democratic Party of Hawaii'i is dedicated to the vision of seeking and achieving freedom, equality and justice for all.

Our mission for equitable treatment and involvement in society is also the mission of the election laws which look to provide a level or equitable process for supporting elections; and thus giving rise for all to have a voice, participation, and contribution to campaigns.

HB2656 is good step to amend the current law to recognize a set of families previously overlooked.

We wish your hearty full support of this bill into law.

Do good,

**William E. Woods-Bateman
Chair**

**GLBT Caucus of the Democratic Party of Hawaii
c/o Democratic Party of Hawaii, 2nd Floor, Ward Warehouse, Honolulu, Hawaii 96814
For more information, please email: GLBTDemCaucus@AOL.COM**

GLEA FOUNDATION

**The Gay and Lesbian Education and Advocacy Foundation
Information, Referral and Support Programs**

**William E. Woods-Bateman, MPH
Executive Director**

March 10, 2008

**Support for HB 2656 – Family contributions by immediate family
to include reciprocal beneficiaries.**

TO: Senate Judiciary Committee, Senator Brian Taniguchi and Committee

FROM: GLEA Foundation
William E. Woods-Bateman, MPH

Aloha Judiciary Committee.

Recognizing and equalizing all families and their ability to participate and contribute in the election process is an essential part of fair election laws.

HB2656 adds reciprocal beneficiaries definition of family to the campaign spending amount allowed for immediate family members. This is important for fair participation in the financial system aspect of fair equitable campaigning guides.

As an advocacy agency, we fully support equalizing the reality of political candidates and all their families for participation and contribution to the process.

We believe this bill is in the interest of the State and the people of Hawaii and encourage its passage

Hearing Date: March 12, 2008

To: Senator Brian Taniguchi, Chair – Senate Committee on Judiciary and Labor
Representative Clayton Hee, Vice Chair – Senate Committee on Judiciary and Labor
Members of the Senate Committee on Judiciary and Labor

Re: Support for HB 2656

From: Eduardo Hernandez – Resident & Voter State House District 20

Everyone who plans to, or has run a campaign for elective office needs the support of their family to do so. Be it emotional, practical or financial, family support is key to one's ability to become elected. It literally cannot be done without family support.

For this reason, it is very important that all families be treated equally under the law. Currently, many families in Hawai'i are discriminated against because they do not have access to the equal rights and benefits of marriage. The current campaign contribution statute is one key example of legalized discrimination whereby some families have equal protection and others do not.

Statewide, there are thousands of individuals who live as family, honor one another as family and protect one another as family, yet the law does not recognize them as family. Article I, Section 3 of the Constitution of the State of Hawai'i mandates that "Equality of rights under the law shall not be denied or abridged by the state on account of sex." Nevertheless, the state has enacted legislation restricting marriage exclusively to opposite sex couples. As such, same-sex couples are currently denied constitutionally mandated equal protection, including the ability to contribute as an immediate family member to a respective candidate's campaign for elective office.

During the current biennium session, the House of Representatives deferred a measure that would have comprehensively addressed the issue of equal protection for same sex couples and their families by establishing the legal status of civil unions (HB 908). Equal protection for same sex couples and their families is law in Massachusetts, California, New Jersey, Vermont, Connecticut, New Hampshire and in other nations including Canada, Spain and South Africa.

Equal protection is an issue that affects everyone. So, if it cannot be passed in a comprehensive manner, then it certainly merits passage in piecemeal effort, as the opportunity of HB 2656 presents. The companion measure of this bill SB 2322 has already garnered the support of four State Senators. When this bill was heard before the House Judiciary Committee, it received endorsement from the local chapter of the NAACP, The Hawai'i Civil Rights Commission, the Japanese American Citizen's League and the ACLU among others.

In the administrative rules, governing the Campaign Spending Commission, it states in section 2-14.1-1: "The purpose and scope of these rules is to encourage citizen participation in the electoral process, prevent the actuality or appearance of corruption, equalize the resources of candidates and gather data to detect violations of the election campaign contribution and expenditure laws." HB 2656 would clearly encourage citizen participation in the electoral process and advance the purpose of equalizing the resources of candidates.

I urge you to pass HB 2656 today. It would be an important and symbolic step towards equality as well as affirmation that our laws shall not be denied or abridged by the state on account of sex.

LATE**testimony**

From: Jo-Ann M. Adams, Esq. [jadamsesq@aol.com]
Sent: Wednesday, March 12, 2008 12:03 AM
To: testimony
Subject: Re: Call for testimony. Equal Protection for all Families.

JO-ANN M. ADAMS, ATTORNEY AT LAW

LAW OFFICES OF JO-ANN M. ADAMS, LLLC
 SEVEN WATERFRONT PLAZA ~ 500 ALA MOANA BLVD. ~ SUITE 400 ~ HONOLULU, HAWAII 96813-4920
 TELEPHONE (808) 528-2100 ~ FACSIMILE: (808) 952-9706 ~ E-MAIL: JADAMSESQ@AOL.COM

HB 2656 - TESTIMONY IN SUPPORT

Hearing Date: March 12, 2008

To: Senator Brian Taniguchi, Chair – Senate Committee on Judiciary and Labor
 Representative Clayton Hee, Vice Chair – Senate Committee on Judiciary and Labor
 Members of the Senate Committee on Judiciary and Labor

Re: Support for HB 2656

Currently, many families in Hawai'i are discriminated against because they do not have access to the rights and benefits of marriage. The current campaign contribution statute is one critical example of legalized discrimination.

Article I, Section 3 of the Constitution of the State of Hawai'i mandates that "Equality of rights under the law shall not be denied or abridged by the state on account of sex." Nevertheless, the state has enacted legislation restricting marriage to one man and one woman. As such, same-sex couples are denied constitutionally mandated equal protection.

During the current biennium session, the House of Representatives deferred HB908 that would have comprehensively addressed the issue of equal protection for same-sexed couples and their families by establishing the legal status of civil unions.

If equal protection cannot be passed in a comprehensive manner, it certainly merits a piecemeal effort.

In the administrative rules, governing the Campaign Spending Commission, it states in section 2-14.1-1: "The purpose and scope of these rules is to encourage citizen participation in the electoral process, prevent the actuality or appearance of corruption, equalize the resources of candidates and gather data to detect violations of the election campaign contribution and expenditure laws." HB 2656 would clearly encourage citizen participation in the electoral process and advance the purpose of equalizing the resources of candidates.

When this bill HB 2656 was heard before the House Judiciary Committee, it received endorsement from the local chapter of the NAACP, The Hawai'i Civil Rights Commission, the Japanese American Citizen's League and the ACLU among others.

3/12/2008

I urge you to pass HB 2656 as a symbolic step towards equal protection for all families and a level playing field for all candidates seeking to run for elective office as well as affirmation that our laws shall not be denied or abridged by the state on account of sex.

Jo-Ann M. Adams, Esq.
LAW OFFICES OF JO-ANN M. ADAMS, LLLC
Seven Waterfront Plaza
500 Ala Moana Blvd., Suite 400
Honolulu, HI 96813
Telephone: (808) 528-2100
Facsimile: (808) 952-9706

***** THIS COMMUNICATION IS PRIVILEGED AND CONFIDENTIAL *****
THE INFORMATION CONTAINED IN THIS E-MAIL MESSAGE IS PRIVILEGED AND
CONFIDENTIAL. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE
INDIVIDUAL OR ENTITY NAMED ABOVE.

IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT
RESPONSIBLE TO DELIVER THE MESSAGE TO THE INTENDED RECIPIENT,
YOU ARE ADVISED THAT YOU ARE IN POSSESSION OF CONFIDENTIAL AND
PRIVILEGED INFORMATION. ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS
COMMUNICATION IS STRICTLY PROHIBITED.

PLEASE IMMEDIATELY TELEPHONE THE SENDER IF YOU ARE NOT THE INTENDED
RECIPIENT.

Supercharge your AIM. Get the [AIM toolbar](#) for your browser.