



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

February 26, 2008

TO: The Honorable Tommy Waters
The Honorable Blake Oshiro
Members of the House Judiciary Committee

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

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

Tuesday, February 26, 2008
2:45 p.m. in Conference Room 325

Chair Waters, Vice-Chair Oshiro, and Members of the House Judiciary Committee, thank you for the opportunity to testify on this bill.

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)¹ 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 §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.

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The Honorable Tommy Waters
Testimony regarding H.B. No. 2656
Page 2 of 2
February 26, 2008

immediate family are also exempt from the 20% contribution cap on nonresident contributions in HRS §11-204.5.²

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."

File: ek-legislation/HB2656recbenjudfeb26

² §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.

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HAWAI'I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 • HONOLULU, HI 96813-5095 • PHONE: (808) 586-8636 • FAX: (808) 586-8655 • TDD: (808) 586-8692

February 26, 2008
Rm. 325, 2:45 p.m.

To: The Honorable Tommy Waters, Chair, and Members of the House Committee on Judiciary

From: Sara Banks, Acting Chair, and Commissioners of the Hawai'i Civil Rights Commission

Re: H.B. No. 2656

The Hawai'i Civil Rights Commission (HCRC) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai'i constitutional mandate that "no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry". Art. I, Sec. 5.

H.B. No. 1968 adds reciprocal beneficiaries to the definition of "immediate family" for laws related to campaign contributions.

The HCRC supports H.B. No. 2656.

During the 2007 legislative session, the HCRC supported H.B. 908, which would have established the statutory legal relationship of "civil union," conferring on those who entered into such unions the statutory rights, benefits, and obligations attached to those who enter a marriage. That failed legislation would have had a profound, but not exclusive, impact on same-sex couples who are not allowed to marry under Hawai'i law.

The HCRC supports H.B. No. 2656, as an incremental step toward extending the litany of rights, benefits, and obligations conferred on married couples, but denied to same-sex couples who cannot legally marry.

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**BY FAX: 586-9456**

Committee: Committee on Judiciary
Hearing Date/Time: Tuesday, February 26, 2008, 2:45 p.m.
Place: Room 325
Re: Testimony of the ACLU of Hawaii in Support of HB 2656, Relating to Campaign Contributions

Dear Chair Waters and Members of the Committee on Judiciary:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of HB 2656.

This bill takes one step towards treating all families equally under the law. Hawaii residents in reciprocal beneficiary relationships should be legally recognized as a family and should receive the same benefits available to other families.

The ACLU of Hawaii's goal remains equal treatment under the law for Hawaii's same-sex couples. However, we also support legislation that will provide same-sex couples and others in reciprocal beneficiary relationships with benefits – and responsibilities – that are currently only available to heterosexual couples. Adding reciprocal beneficiaries to the definition of "immediate family" for laws relating to campaign contributions is one small step towards attaining equal treatment under the law for all of Hawaii's families.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org

000065

GLEA FOUNDATION

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

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

February 2-24-08

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

TO: House Judiciary Committee, Representative Waters and Committee

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

Aloha Judiciary Committee.

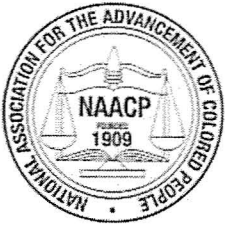
Recognizing and equalizing all families and their ability to participate and contribute in the election process is an essential part of fair election laws.

HB2656 adds reciprocal beneficiaries to the campaign spending amount allowed for immediate family members. This is important for fair participation in the financial system that is campaign spending.

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

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Honolulu Hawai'i NAACP

P.O. Box 6 Honolulu, Hawai'i 96810 (808) 599-5500

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February 24, 2008

The Honorable Tommy Waters
Chairperson House Committee on Judiciary
Hawaii State Capital
Honolulu, Hawaii 96813

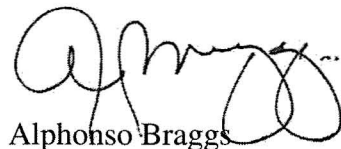
Re: HB 2656: Relating To Campaign Contributions Testimony - In Support

The Honolulu Hawaii Chapter of the National Association for the Advancement of Colored People (NAACP) strongly supports HB 2656, which amends the definition of "immediate family member" to include reciprocal beneficiaries for purposes of campaign contribution laws.

The NAACP supports creating equity for those in reciprocal beneficiary relationships. Hawaii Revised Statutes § 11-191 defines "immediate family" to include spouses for laws relating to campaign contributions, but effectively excludes persons in reciprocal beneficiary relationships. Persons who are registered as reciprocal beneficiaries should be treated the same as those who are in marital relationships in this regard. Differential treatment of married couples and persons in reciprocal beneficiary relationships in the context of our state's campaign contribution laws is both unfair and unjustified.

The NAACP has been leading the effort for social justice for nearly 100 years. Founded in 1909, it is the oldest National civil rights organization. The mission of our branch is to "ensure political, educational, social, and economic equality of all persons and to eliminate racial hatred and racial discrimination."

Sincerely yours,



Alphonso Braggs

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**JAPANESE AMERICAN CITIZENS LEAGUE OF HAWAII#I
HONOLULU CHAPTER**

**P.O. BOX 1291, HONOLULU, HAWAII#I 96807
PHONE: 523-8464 WEBSITE: www.jaclhawaii.org**

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**HB 2656: Relating To Campaign Contributions
Testimony in Support**

Hearing: Tuesday, February 26, 2008 at 2:45 p.m. in Conf. Rm 325

To: The Honorable Tommy Waters, Chair
Members of the House Committee on Judiciary

The JACL Hawaii#i, Honolulu Chapter strongly supports HB 2656, which amends the definition of "immediate family member" to include reciprocal beneficiaries for purposes of campaign contribution laws.

Founded in 1929, the Japanese American Citizens League is the nation's oldest and largest Asian Pacific American Civil Rights organization made up of over 20,000 members. Locally, we are a strong civil rights organization committed to the protection of civil and human rights of all.

The JACL supports creating equity for those in reciprocal beneficiary relationships. Hawaii#i Revised Statutes § 11-191 defines "immediate family" to include spouses for laws relating to campaign contributions, but effectively excludes persons in reciprocal beneficiary relationships. Persons who are registered as reciprocal beneficiaries should be treated the same as those who are in marital relationships in this regard. Differential treatment of married couples and persons in reciprocal beneficiary relationships in the context of our state's campaign contribution laws is both unfair and unjustified.

The JACL Hawaii#i believes that HB 2656 is an incremental step toward extending the litany of rights, benefits, and obligations conferred on married couples, but denied to same-sex couples who cannot legally marry. Thank you for this opportunity to testify.

Sincerely,

David M. Forman
President, JACL Hawaii#i, Honolulu Chapter
Japanese American Citizens League

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JUDtestimony

From: Ginny Meade [gmeade@hawaii.rr.com]
Sent: Friday, February 22, 2008 4:19 PM
To: JUDtestimony
Subject: SUPPORT FOR HB 2656 - Rep. Tommy Waters

To Representative Tommy Waters, Chair House Judiciary Committee & Members of the House Judiciary Committee

DATE: Feb. 22, 2008

As a married couple of over 20 years, we ask that you please pass HB 2656 - Reciprocal Beneficiaries & Campaign Contributions - out of committee. We strongly believe that all families deserve to be treated equally before the law. This bill simply affords equal rights to reciprocal beneficiaries to support their family members who wish to run for elected office. It is time to recognize, for this purpose, that "immediate family member" includes reciprocal beneficiaries, even though some families are excluded from marriage. This bill will eliminate one form of discrimination, and provide equal opportunity for citizens of the State of Hawaii.

Mahalo,

John Cater & Ginny Meade
Honolulu, Hawaii

000069

JUDtestimony

From: [REDACTED]
Sent: Friday, February 22, 2008 11:00 AM
To: JUDtestimony
Subject: HB 2656

I support passage of HB 2656.

Donald D. Graber

[REDACTED]
Honolulu, HI 96813

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000070

Date: February 22, 2008

To: Representative Tommy Waters, Chair – House Judiciary Committee
Representative Blake Oshiro, Co-Chair – House Judiciary Committee
Members of the House Judiciary Committee

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 campaign contribution statute is one key example of legalized discrimination.

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.

This committee had the opportunity to provide equal protection for citizens across Hawai'i, during the current biennium session, 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.

This committee failed to exercise it's role as an arbiter of justice by deferring HB 908 last year. 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.

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.

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