

SB2251

Late



HAWAII

AMERICANS FOR DEMOCRATIC ACTION

LATE

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February 8, 2010

To: Chair Brian Taniguchi
 Vice Chair Dwight Takamine
 Senate Committee on Judiciary and Government Operations

From: Americans for Democratic Action/Hawai'i
 Barbara Polk, Legislative Chair

Subject: **Testimony in partial support of SB 2251 Relating to Campaign Financing**

Americans for Democratic Action, Hawaii Chapter, believes that it is very important to pass a recodification of the campaign spending law. The law has become disjointed and cumbersome, difficult for candidates, candidate and non-candidate committees, and the general public to understand and follow faithfully. The Campaign Spending Commission has done an excellent job of recodification and we support it in large part.

Unfortunately, however, the Commission has chosen to include a few policy changes in SB 2251, rather than limiting it to a recodification. The most serious of these is one that gives the Commission the option to assess or not assess a fine for failure by candidates or committees to file timely, complete and accurate reports. We believe this is not an appropriate change, since it stands to reduce penalties for substantial violation of the Campaign Spending Act, opens the Commission members to charges of favoritism in the assessment of fines, and undermines the entire purpose of the law. We urge that the wording of the sections referring to fines or penalties revert to current law by changing "may" to "shall" (with reference to assessing penalties or fines) and removing the option for the Commission to not impose a fine. This policy change should be addressed separately and not contaminate the decision about recodification.

With this exception, we are pleased to support the passage of SB 2251.



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COMMON CAUSE
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**Senate JGO Committee
Tuesday 2/9/10 at 10:00AM in Room 016
SB 2251**

TESTIMONY

Nikki Love, Executive Director, Common Cause Hawaii

Chair Taniguchi, Vice Chair Takamine, and Committee Members:

I would like to submit **comments regarding SB 2251**.

We generally support this recodification bill proposed by the Campaign Spending Commission, however we have two areas of concern:

Fines

We have concerns about the changes regarding penalties/fines. It appears to weaken enforcement of the reporting deadlines. This could compromise the strength of our disclosure laws and diminish transparency for the public.

Nonresident Contributions

This bill increases the limit on nonresident contributions, from the current 20% of contributions to 30%. This would increase the ability of candidates to seek contributions from outside of their districts and outside of the state. Instead, we urge the Committee to pursue policies that encourage candidates to rely on funds from their own constituents instead of outside interests.

Mahalo for the opportunity to submit testimony.