

STAND. COM. REP. NO.

2176

Honolulu, Hawaii

FEB 15 2012

RE: S.B. No. 2493  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2493 entitled:

"A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING,"

begs leave to report as follows:

The purpose and intent of this measure is to make various  
amendments to the campaign finance laws. More specifically, this  
measure:

- (1) Adds a definition for "matching payment period";
- (2) Amends the filing deadlines for preliminary and  
supplemental campaign spending reports to align with  
existing law or present practice;
- (3) Requires noncandidate committee reports to include the  
aggregate totals of contributions received and  
contributions made by noncandidate committees, and  
identify candidates supported or opposed by independent  
expenditures;
- (4) Requires candidates to file the affidavits stating  
voluntary agreement to abide by spending limits at the  
time nomination papers are filed; and
- (5) Increases the prosecuting attorney's campaign  
expenditure limit.



Your Committee received testimony in support of this measure from the Campaign Spending Commission. The League of Women Voters of Hawaii and Common Cause Hawaii submitted comments.

Your Committee finds that this measure proposes to make several amendments to the campaign finance laws. Adding a definition for "matching payment period" will allow the Campaign Spending Commission staff to better implement the partial financing program. Amending the filing deadline for preliminary campaign spending reports will avoid back-to-back filing deadlines for candidates for their first and second preliminary primary campaign spending reports, and align accordingly with the August primary election date. Adding clarifying language to require candidates to submit supplemental reports every year will align the statutory deadline with present practice. Requiring noncandidate committees to include in their committee reports the aggregate totals of contributions received and contributions made, and identification of candidates supported or opposed by independent expenditures will recognize that noncandidate committees make and receive contributions and promote greater transparency. Requiring candidates to file affidavits to abide by statutory expenditure limitations no later than the deadline to file nomination papers will allow commission staff to better implement the partial financing program, and allow candidates to receive a discount filing fee. Lastly, increasing the campaign expenditure amount of a publicly financed prosecuting attorney candidate will correct a statutory deletion that forced the commission to place the prosecuting attorney in a lower expenditure category.

Your Committee believes that the reasons for requiring candidates to file affidavits before or at the same time nomination papers are filed for a fee discount are not compelling. Existing law allows a candidate a discounted filing fee when showing a certified copy of an affidavit that indicates the candidate voluntarily agrees to abide by spending limits at the time the candidate files nomination papers. However, your Committee has concerns regarding how this discount will be recouped in the event a candidate withdraws from the election race. The Campaign Spending Commission testified that the State has this responsibility. However, your Committee believes that a recoup action may cost more than the actual discount, and questions whether this action is worth the use of the State's resources and time.



As such, your Committee has amended this measure by:

- (1) Deleting language that requires candidates to file affidavits to abide by statutory expenditure limitations no later than the time nomination papers are filed; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2493, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2493, S.D. 1, and be referred to the Committee on Ways and Means.

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



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CLAYTON HEE, Chair



