



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2012**

ON THE FOLLOWING MEASURE:

H.B. NO. 2376, RELATING TO CAMPAIGN SPENDING.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Thursday, February 2, 2012 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): David M. Louie, Attorney General, or
Robyn B. Chun, Deputy Attorney General

Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General (the "Department") supports the intent of this bill, but has significant practical, legal, and potential constitutional concerns with the amendments it proposes. For that reason, we recommend that the Committee pass this bill only with the amendments listed below, or that the Committee hold the bill.

The purpose of this bill, generally, is to increase the disclosure requirements in Hawaii's campaign finance laws. This purpose is strongly supported by recent Supreme Court and Ninth Circuit case law and for that reason the Department sees no legal problem with the fundamental principles behind this bill. In its implementation, however, the proposed amendments to chapter 11, Hawaii Revised Statutes (HRS), in this bill pose a number of significant practical, legal, and potentially constitutional problems.

Our most significant concern lies in the substantive amendments added by section 2 of the bill. Generally, these additions are inconsistent with the existing statutory structure of our campaign finance laws. In some respects the proposed additions are redundant, and may cause confusion in the administration of chapter 11.

The new proposed sections 11-A and 11-B are mostly unnecessary, because any entity other than an individual who accepts contributions or makes expenditures in excess of \$1000, in the aggregate, in a two-year election period, is already required to file disclosure reports with the Campaign Spending Commission under existing law. Section 11-302, HRS, which defines noncandidate committees, makes this obligation apply to any organization that otherwise meets the requirements. (The \$1000 threshold is in section 11-321(g), HRS.) It is important to note

that Hawaii law does not require that a an organization form a separate legal entity to serve as a noncandidate committee; the organization is the noncandidate committee. With that understanding, there is no need to add an additional classification of disclosure requirements, when what it seeks to accomplish already applies under existing law. See, e.g., page 3 of the bill, lines 3-9 (requiring registration over a \$1000 threshold, and reporting pursuant to section 11-336 and 11-338 (the provisions governing noncandidate committee reports), HRS). For this reason, the proposed additions are redundant, increase the chance of confusion in administering this law, and we recommend they be eliminated.

We also note that proposed new section 11-B(e) (page 5, lines 10-21) contains a requirement that an entity making political expenditures disclose that on their website. Because this disclosure would be required outside the election-related communications themselves, this is beyond the scope of typical campaign finance disclosure laws and has not, as far as we know, been tested in the post-Citizens United era. We see a potential for a constitutional challenge should this provision be enacted, because it mandates speech outside the election context.

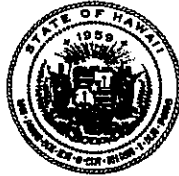
Proposed new section 11-C also poses significant concerns. As with sections 11-A and 11-B, this provision is largely redundant with existing law. Sections 11-352 (prohibiting false names), and 11-335 (noncandidate committee reports must include both contributions received and expenditures made), HRS, already prohibit making contributions or expenditures in another's name, and already require disclosure should any two political organizations or noncandidate committees (defined as discussed above) move money between them. This new section also apparently requires an entity to file reports without a pre-existing registration requirement, which is both inconsistent with our existing statutes and potentially problematic as a matter of constitutional law. Unlike the existing electioneering communications provision (section 11-341, HRS) and the existing noncandidate committee threshold (\$1000, as in 11-321(g), HRS), this provision apparently has no threshold. Though threshold amounts are generally considered as within the Legislature's discretion, the federal courts have repeatedly struck down statutes as violative of the First Amendment if they do not have at least some sensible threshold amount before reporting requirements are triggered. For these reasons, this provision should also be removed, as it is unnecessary in light of existing statutory law and may pose significant constitutional concerns.

One of the amendments to existing sections also raises serious concerns. In section 9 pages 20-21, the bill amends the definition of “electioneering communication” to eliminate the requirement that the communication “not be susceptible to any reasonable interpretation other than as an appeal to vote for or against a specific candidate” and replaces it with the requirement that the communication “can reasonably be interpreted as supporting or opposing a candidate.” While it may not be readily apparent, the difference in the phrases is significant. The wording “not susceptible to any reasonable interpretation other than as an appeal to vote for or against a specific candidate” is taken from a United States Supreme Court campaign finance decision, Federal Election Comm’n v. Wisconsin Right to Life, Inc., 551 U.S. 449 (2007). Over time, this wording has become a term of art in campaign finance law. The wording proposed in this bill that defines “electioneering communication” in part as communication that “can be reasonably be interpreted as supporting or opposing a candidate” is broader and potentially more ambiguous in the campaign finance context, and may invite a constitutional challenge. This proposed wording does not appear to add anything more to the definition and we therefore recommend that the proposed amendment to the definition of “electioneering communication” be deleted, and the provision left as currently appears in section 11-341, HRS.

Finally, this bill provides that the Act will become effective upon its approval. In light of the significant changes this bill would make to campaign finance law, to avoid causing possible confusion to candidates and the electorate, we recommend that its effective date be changed to November 7, 2012, the day after the upcoming General Election.

The Department respectfully recommends that the Committee pass the bill only with the amendments suggested here, or hold the bill.

KRISTIN IZUMI-NITAO
EXECUTIVE DIRECTOR



PHONE: (808) 586-0285
FAX: (808) 586-0288
www.hawaii.gov/campaign

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

February 1, 2012

TO: The Honorable Gilbert S. C. Keith-Agaran, Chair
House Committee on Judiciary

The Honorable Karl Rhoads, Vice Chair
House Committee on Judiciary

Members of the House Committee on Judiciary

FROM: Kristin Izumi-Nitao, Executive Director *kei*
Campaign Spending Commission

SUBJECT: Testimony on H.B. No. 2376, Relating to Campaign Spending

Thursday, February 2, 2012
2:00 p.m., Conference Room 325

Thank you for the opportunity to testify on this bill. The Campaign Spending Commission ("Commission") strongly supports the intent of this bill which significantly increases transparency in campaign finance. The Commission, however, has practical concerns about the implementation of the bill.

Sections 2 and 4 of the bill would expand the universe of persons who register and report to the Commission by requiring all persons, other than individuals, candidates, candidate committees, and noncandidate committees¹ to register with the Commission and report contributions and expenditures, including independent expenditures, that aggregate more than \$1,000 per two-year election period. This section would replace Hawaii Revised Statutes ("HRS") §11-332 (Filing reports by corporations) which currently requires corporations to report only contributions aggregating more than \$1,000 to any candidate per two-year election period. To that end, section 11 of this bill also repeals §11-332.

The Commission has concerns about its ability to implement these sections of the bill for the 2012 elections. The bill substantively changes the reporting requirements and

¹ Candidates, candidate committees, and noncandidate committees are already required to register with and report contributions and expenditures to the Commission under HRS §§11-321 to 11-334 (registration and reporting and filing with the Commission).

would require significant modifications to the Commission's electronic filing system. Commission staff has discussed these sections with the Information and Communication Services Division ("ICSD") of the Department of Accounting and General Services who developed our electronic filing systems and would be responsible for making the necessary changes to the system that this bill would require. Our discussions with them revealed that an entirely new system would need to be developed and that an extensive analysis would need to be performed and requirements gathered to determine what would be needed to successfully create a system for these new entities. ICSD further noted that based on their prior experience in developing the candidate and noncandidate filing systems as well as current resource assignments, they do not believe that they are in a position to successfully complete this project by the end of this election year (i.e., November 2012) and that until the analysis and requirement gathering for this new system occurs, they are unable to give an estimate of completion for this new system.

Section 2 of the bill at page 6, lines 19-20, also refers to an "election cycle." That reference should be changed to "election period" since election period is defined in HRS §11-302 and used throughout the state's campaign spending law. Election cycle, on the other hand, is not defined in our law.

Section 5 of the bill amends HRS §11-335 to require noncandidate committees to identify the candidate who is supported or opposed by an independent expenditure. The Commission strongly supports such a requirement and has included this requirement in its own proposal, H.B. No. 1756, H.D. 1.

Sections 6 and 7 of the bill amend HRS §§11-337 and 11-338 to require the reporting of late expenditures and late independent expenditures. Section 6 requires the reporting of expenditures that are rendered during the last three days of an election period in a late expenditure report. But the section does not indicate when this late expenditure report must be filed. A reporting deadline must be decided upon if this section is passed. Section 7 of the bill requires that a person and noncandidate committees, other than an individual, candidate, candidate committee, must report contributions and independent expenditures made within the period of fourteen calendar days through four calendar days prior to any election on or before the third calendar day prior to the election.

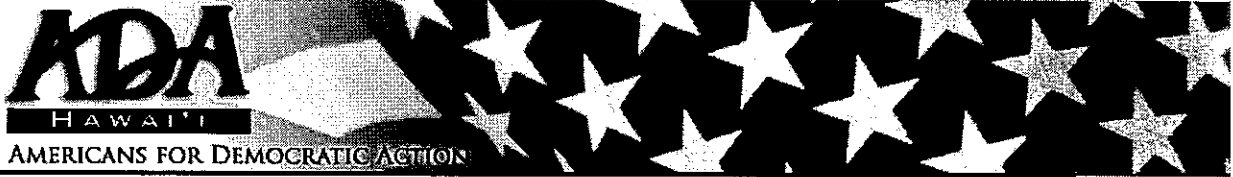
Again, sections 6 and 7 of the bill would require significant modifications to the Commission's electronic filing system and we do not believe that the necessary changes can be made in time for the 2010-2012 election period.

Section 9 of the bill, on page 20, lines 1-3, refers to "an electioneering communication report." That reference should instead be to "an electioneering communication statement of information" because that is the name of the filing required by HRS §11-341 for electioneering communications.

Section 10 of the bill requires that advertisements identify the top donors for the purpose of the advertisement or top donors for the entity paying for the advertisement. For the latter, we suggest replacing “during the election cycle” with “as of the date the advertisement was purchased” because the top donors during an election period (or cycle) can only be determined after the election. We are otherwise in support of section 10 which increases transparency in campaign finance.

Lastly, we respectfully request that the committee amend this bill’s effective date from upon approval to, at the minimum, a date after the 2012 elections so that we may continue to work with ICSD in building the system so that it properly captures the information sought by this bill.²

² We understand that the Attorney General’s office has concerns about the constitutionality of section 9 of the bill and the effect, if passed, of sections 6, 7, 9, and 10 of the bill on Yamada, et al. v. Weaver, et al., Civil No. 10-00497 JMS/LEK (D. Haw.), a case currently in litigation in which several sections of Hawaii’s campaign spending law are being challenged in federal district court. The Commission defers to the Department of the Attorney General in these matters and believes that testimony from the department will be submitted to this committee.



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Chuck Huxel, Secretary	Nancy Bey Little	George Simson	Marsha Schweitzer (Alt)	

February 1, 2012

TO: Chair Gilbert Keith-Agaran, Vice Chair Karl Rhodes, Members of the House Judiciary Committee

FROM: Barbara Polk, Legislative Chair, Americans for Democratic Action/Hawaii

RE: SUPPORT FOR HB 2376 RELATING TO CAMPAIGN SPENDING

Thank you for this opportunity to testify on this important bill. Americans for Democratic Action/Hawaii is in strong support of HB 2376. The changes in our political culture brought about by the US Supreme Court's decision in the Citizens United vs. the Federal Election Commission, as well as other court decisions, have resulted in a great influx of money into the Presidential race and threaten to do so for state races as well. Although there is no way the State can stem this flow of money, what can be done is to improve reporting of campaign contributions and expenditures, to allow voters to be able to determine the source of campaign messages they receive.

Other states have been making changes in their laws to increase transparency, especially for independent expenditures—those expenditures made by individuals, organization, or corporations that are not coordinated with a candidate or a candidate's campaign. Unfortunately, Hawaii has fallen somewhat behind most other states in this regard.

HB 2376 would increase the transparency in election expenditures in a variety of ways. It has been drafted using as reference best practices of mainland states in addressing the new issues raised by the changes in campaign funding. Because it is a long and complex bill, we are summarizing the main purpose of each section.

Section 2, 11-A ensures the registration of persons who are required to report to the Campaign Spending Commission.

Section 2, 11-B revises the existing corporate reporting statute, Section 11-332. The current statute fails to define "corporations," and is limited to corporations' direct contributions to candidates. The new language applies to all persons other than individuals and candidate and non-candidate committees, and also requires disclosure of their independent expenditures both to the Campaign Spending Commission and on their own websites.

Section 2, 11-C is a new section regarding transferring of funds between persons. Information from mainland political campaigns in 2010 and currently in the Republican Presidential campaign show that transfer of funds has become so common and complex that it is difficult to track where money that flows into campaigns comes from. This section is necessary to deal with the potential ability of an entity to hide political activities by channeling them through another organization.

Section 3 changes the language of current statute to ensure that the commission can collect fines from any entity failing to file a report.

Section 4 requires that reports filed are certified as complete and accurate, and requires that the CEO or equivalent individual so certify.

Section 5 clarifies the disclosures required in reports, including the name of a candidate supported or opposed by an expenditure and whether that candidate is supported or opposed, and, for independent expenditures, certification that there has been no coordination with a candidate.

Section 6 ensures that expenditures contracted to be delivered in the last three days before an election are included in a late expenditure report.

Section 7 requires reporting of late expenditures. Currently there is reporting of late contributions, but not of late expenditures. These late expenditures reports would capture expenses in the period of 14 days prior to election day up until the day of the election.

Section 8 permits the commission to fine any person who fails to file a complete a timely report.

Section 9 makes changes to current requirements for reporting electioneering communications. Reports are now required for television or radio ads, mass mailings, and other large-scale electioneering communications. This part requires more detail in the reports. It also makes robo-calls subject to reporting.

Section 10 clarifies the definition of an advertisement and adds required disclosures on advertisements themselves.

Section 11 deletes the current wording of 11-332 Filing Report by Corporations. The reporting requirement for corporations remains in the new wording in Section 2 of this bill.

ADA/H believes that these changes to current campaign spending statutes will greatly improve the ability of the public to monitor the sources of money used to influence elections. We urge you to pass HB 2376.

I would be happy to answer any questions you may have about the bill.



LEAGUE OF
WOMEN VOTERS

League of Women Voters of Hawaii

49 South Hotel Street, Room 314 | Honolulu, HI 96813

www.lwv-hawaii.com | 808.531.7488 | voters@lwvhawaii.com

Testimony

Committee on Judiciary

Hearing: *Thursday, 2/2/2012*

Time: *2:00 p.m.*

Place: *325*

SUBJECT: HB2376 Related to Campaign Spending

POSITION: *SUPPORT*

Testimony:

Chair Keith-Agaran, Vice-Chair Rhoads, Members of the Committee:

I am testifying for the League of Women Voters of Hawaii. Thank you for this opportunity to speak on behalf of our members throughout Hawaii.

The League of Women Voters believes that an informed electorate is the basis of our democracy. HB2376 addresses some loopholes in HRS Chapter 11, which have become more obvious and important following the Supreme Court's Citizens United decision.

We strongly support the provisions of HB2376.

Thank you for the opportunity to testify

Beppie Shapiro, President

League of Women Voters of Hawaii

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phone/E-Mail: (808) 533-3454 / kat.caphi@gmail.com



COMMITTEE ON JUDICIARY

Rep. Gilbert Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

Thursday, February 2, 2012

2:00 p.m.

Room 325

SUPPORT for HB 2376 - TRANSPARENCY FOR INDEPENDENT EXPENDITURES

Aloha Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee!

My name is Kat Brady and I am the Coordinator Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered always mindful that 6,000 Hawai'i individuals are living behind bars, including 1,800 men who are serving their sentences abroad, thousands of miles from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

HB 2376 repeals current reporting provisions for corporations; establishes requirements for persons other than individuals, candidates, candidate committees, and noncandidate committees to register with the Campaign Spending Commission and file reports; allows the Campaign Spending Commission to monitor and penalize persons for absent or deficient filings; requires more detail in reporting for all persons, especially regarding contributions or expenditures for advertisements or electioneering communications.

Community Alliance on Prisons supports this bill in the interest of transparency and democracy.

At this time when confidence in government is at an all-time and the people believe that the government is run by big corporations and donors, it is important for you to restore the people's trust. This bill is a start in that direction.

The Citizens United v. FEC decision was truly appalling and discouraging. We believe that unlimited corporate spending in campaigns is an assault on our democracy. We hope that our elected representatives will stand for democracy and ensure transparency in the election process especially since corporations and Super PACs are already registering in Hawai'i for 2012. Please take action now to strengthen our disclosure laws.

Mahalo for this opportunity to testify.



House JUD Committee
Chair Gilbert Keith-Agaran, Vice Chair Karl Rhoads

Thursday 2/2/12 at 2:00PM in Room 325
HB 2376 – Campaign Spending

TESTIMONY

Nikki Love, Executive Director, Common Cause Hawaii

Chair Keith-Agaran, Vice Chair Rhoads, and Committee Members:

Common Cause Hawaii strongly supports HB 2376 to improve disclosure for independent expenditures.

BACKGROUND

Transparency for independent expenditures is a particularly timely issue, as *Citizens United v. FEC* and other court decisions paved the way for unlimited spending by corporations and unions to influence elections. New Super PACs and other entities are popping up at the federal and state levels to take advantage of these new pathways for campaign money.

The public's understanding of this issue has grown over the past two years, and the concern about campaign finance is becoming more widespread. This is even leading to a growing movement nationwide for a U.S. Constitutional Amendment to overturn *Citizens United* and rein in campaign spending by corporations. A recent Civil Beat poll showed that an overwhelming majority of Hawaii voters support this idea.

In this context, other states are beefing up their disclosure requirements, and Hawaii is falling behind. According to the National Institute on Money in State Politics, Hawaii has ranked in the bottom half of the nation with respect to disclosure for independent expenditures. These bills include important elements to improve this situation.

MAJOR ELEMENTS IN THIS BILL

- **Registration and Reporting by Persons Other than Individuals** – Currently the law has a very minimal reporting section for corporations, and the term “corporations” is undefined. This bill requires all persons (other than individuals,

candidates, and noncandidate committees) to report their donations and independent expenditures if they spend more than \$1,000 per election period.

- **Transferring funds** – There is potential for hiding political activities by channeling them through another organization. This bill creates a new section regarding transferring of funds between persons.
- **Noncandidate Committee Reporting** – Some important details are missing from the current noncandidate committee reporting requirements. This bill requires additional information regarding the candidate targeted, and adds certification that independent expenditures are not coordinated.
- **Late Expenditures** – The existing law requires reporting of *late contributions* to disclose donations made just before an election. Now that independent expenditures are gaining prominence, this bill would require reporting of *late expenditures* as well.
- **Fines** – This bill authorizes the Campaign Spending Commission to fine “persons,” not just candidate and noncandidate committees. This is necessary to cover corporations and other entities.
- **Electioneering Communications** – This bill requires more details to be reported in electioneering communication reports and clarifies the definition of electioneering communications.
- **Disclosures on Advertisements** – Advertisements are currently required to include a message disclosing who has paid for the ad, but the names of PACs may not give any real information to the viewers, listeners, or readers. This bill improves the disclosures on advertisements by requiring a listing of their top donors.

SUGGESTED ADDITIONS

We also would like to see two elements from HB 2174:

- Direct the Campaign Spending Commission to create rules to require all persons to file electioneering communication reports.
- Require a robust searchable database of all campaign report information. (Note: We recognize this is complex to implement, so we would ask the legislature to ensure the Campaign Spending Commission has the necessary resources and time to pursue this.)

Mahalo for your attention to this issue, and mahalo for the opportunity to submit testimony.

February 1, 2012

Re: HB 2376, Relating to Campaign Spending.

Committee on Judiciary Hearing: February 02, 2012, 2:00 PM, Conference Room 325.

Dear Chair Keith-Agaran, Vice-Chair Rhoads, and Judiciary Committee members:

Thank you for the opportunity to submit testimony regarding HB 2376.

I strongly **support** this bill.

Transparency regarding money in politics has always been important, but this is especially true since the 2010 U.S. Supreme Court decision in *Citizens United v. FEC*, 130 S.Ct. 876 (2010). All states, including Hawai'i, need to make sure that their disclosure laws are adequate to current elections practice.

Even in *Citizens United*, the Court affirmed the value of disclosure laws, to fully inform the electorate about who is "speaking" and to avoid confusion. And the constitutionality of state disclosure laws has repeatedly been upheld by the U.S. Supreme Court (*viz. Doe v. Reed*, 130 S. Ct. 2811(2010); *Caperton v. A.T. Massey Coal Co.*, 129 S.Ct. 2252 (2009).).

HB 2376 will help to make it possible for Hawai'i voters to identify any entities (whether traditional or not) that are spending money to influence elections through independent expenditures or electioneering communications. This is of tremendous benefit for an informed public, and is critical to protect the integrity of the democratic process in our time.

Please pass HB 2376.

Sincerely,

R. Elton Johnson, III

Testimony for HB2376 on 2/2/2012 2:00:00 PM

Testimony for HB2376 on 2/2/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, February 01, 2012 12:08 PM

To: JUDtestimony

Cc: blockard@iname.com

Testimony for JUD 2/2/2012 2:00:00 PM HB2376

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Brodie Lockard

Organization: Individual

E-mail: blockard@iname.com

Submitted on: 2/1/2012

Comments:

- I am appalled by the Citizens United v. FEC decision, and I believe that unlimited corporate spending in campaigns is bad for our democracy.
- The overwhelming influence of money in politics needs to be addressed now. At the state level, legislators should take action immediately to ensure transparency.
- We know this is going to be a big year for campaign spending. Here in Hawaii, corporations and Super PACs are already registering for 2012.
- Our current disclosure laws are out of date and not ready for the post-Citizens United era.
- We, the voters, deserve to know where all this money is coming from and where it is going.
- Please take action now to strengthen our disclosure laws.

Support HB 2376

Support HB 2376

Nancy Davlantes [ndavlantes@aol.com]

Sent: Wednesday, February 01, 2012 12:53 PM

To: JUDtestimony

House JUD Committee - Thursday 2/2/12 at 2PM, Room 325

Chair Agaran, Vice Chair Rhoads and members of the committee:

I am delighted to see the legislature address the problems and threats to our democracy wrought by the Citizens United decision.

Unlimited corporate spending in campaigns is bad for our democracy, period. Here in Hawaii, legislators should take action immediately to ensure transparency, since corporations and Super PACs are already registering for 2012. We voters need and deserve to know where all this money is coming from as well as where it is going.

Our current disclosure laws are out of date in light of Citizens United.

Please take action now to strengthen our disclosure laws.

Thank you for this opportunity to offer testimony.

Nancy Davlantes
45-571 Awanene Place, Apt. A
Kaneohe, HI 96744

ndavlantes@aol.com

HB 2376: SUPPORT

HB 2376: SUPPORT

Laure Dillon [lauredillon@hawaii.rr.com]

Sent: Wednesday, February 01, 2012 2:42 PM

To: JUDtestimony

Aloha Chair and Members of JUD,

This letter is in support HB 2376.

While I believe a Constitutional Amendment will be necessary to reverse the flawed Supreme Court judgment equating money and free speech reflected in Buckley v. Valeo and the absurd deregulation of contributions from the Citizens United v. FEC judgment, it is still necessary to improve reporting by PACs and SuperPACs in Hawaii, especially toward the end of the campaign period. Transparency, in my humble opinion, is relatively impotent in providing accountability, but it's better than hidden funders, whether domestic or international and often savage campaign ads from unknown sources.

Transparency is such a modest request. We voters deserve to know where the campaign money is coming from and where it is going.

Please pass HB 2376 to strengthen Hawaii's disclosure laws.

Mahalo for entertaining my testimony.

**Laure Dillon
Honolulu**

Testimony in support of HB 2376

February 1, 2012

Aloha,

Thank you for considering HB 2376. It is a much needed remedy to the threat to democracy created by the flawed Citizens United v. FEC Supreme Court decision.

This bill will permit legislators to ensure transparency. As we move into the 2012 election year, this bill is necessary to stem the unchecked influence of money in politics. Since our current disclosure laws were written prior to the Citizens United ruling, they require updating. HB 2376 will allow voters to know where campaign donations are coming from, and who is receiving them.

Thank you for strengthening our disclosure laws by passing HB 2376.

Aloha,
Laurie Baron
Honolulu, Hawaii

February 2, 2012

Representative Gilbert S.C. Keith Agran, Chair
Representative Karl Rhoads, Vice Chair
House Judiciary Committee
Hawaii State Capitol, Room 325

**Re: HB 2376 - TRANSPARENCY FOR INDEPENDENT
EXPENDITURES**

Dear Representatives Keith-Agran, Rhoads and committee members

As a citizen actively participating in the political process, I am totally appalled by the Citizens United v. FEC decision... I believe that unlimited corporate spending in campaigns is bad for our democracy, as shown in the massive amounts of money now being thrown into PACs and spent on elections...

The overwhelming influence of money in politics needs to be addressed now. At the state level, legislators should take action immediately to ensure transparency.

We know this is going to be a big year for campaign spending. Here in Hawaii, corporations and Super PACs are already registering for 2012. Our current disclosure laws are out of date and not ready for the post-Citizens united era.

We, the voters, deserve to know where all this money is coming from and where it is going.

Please take action now to strengthen our disclosure laws.

Sincerely,

Gail Breakey, RN, MPH

Testimony for HB2376 on 2/2/2012 2:00:00 PM

Testimony for HB2376 on 2/2/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, February 01, 2012 11:49 AM

To: JUDtestimony

Cc: frnhawaii@gmail.com

Testimony for JUD 2/2/2012 2:00:00 PM HB2376

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Francis Nakamoto
Organization: Individual
E-mail: frnhawaii@gmail.com
Submitted on: 2/1/2012

Comments:

The Citizens United decision was a terrible blow to democracy by opening the floodgates to large, anonymous and unfairly influential contributions that give inordinate leverage on elections to the wealthy. HB2376 makes a modest effort to correct a very bad decision at least in Hawaii. We have a long way more to go to reverse Citizens United, but, at least, HB2376 will allow the voters to know who are behind the large expenditures for a particular candidate and decide for themselves whether to accept or reject the messages in each political ad or communication. Please pass HB2376.

Testimony for HB2376 on 2/2/2012 2:00:00 PM

Testimony for HB2376 on 2/2/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, February 01, 2012 3:23 PM

To: JUDtestimony

Cc: jbegley002@hawaii.rr.com

Testimony for JUD 2/2/2012 2:00:00 PM HB2376

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Juliet Begley

Organization: Individual

E-mail: jbegley002@hawaii.rr.com

Submitted on: 2/1/2012

Comments:

State legislators should be taking action to encourage transparency in elections. The federal Supreme Court decision of Citizens United is endangering democracy in the islands (and the rest of the USA) -- and with the current reporting financial reporting structure, it will be even easier to purchase political decision making. Voters deserve to know who is 'buying', and this is not possible with the current state rules in place in a real time manner.

Testimony for HB2376 on 2/2/2012 2:00:00 PM

Testimony for HB2376 on 2/2/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, February 01, 2012 11:36 AM

To: JUDtestimony

Cc: lbaron@hawaii.rr.com

Testimony for JUD 2/2/2012 2:00:00 PM HB2376

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Laurie Baron
Organization: Individual
E-mail: lbaron@hawaii.rr.com
Submitted on: 2/1/2012

Comments:

Testimony for HB2376 on 2/2/2012 2:00:00 PM

Testimony for HB2376 on 2/2/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, February 01, 2012 1:12 PM

To: JUDtestimony

Cc: shaglund@hotmail.com

Testimony for JUD 2/2/2012 2:00:00 PM HB2376

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Sue Haglund

Organization: Individual

E-mail: shaglund@hotmail.com

Submitted on: 2/1/2012

Comments:

The overwhelming influence of money in politics needs to be addressed now. At the state level, legislators should take action immediately to ensure transparency.

Testimony for HB2376 on 2/2/2012 2:00:00 PM

Testimony for HB2376 on 2/2/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, February 01, 2012 2:40 PM

To: JUDtestimony

Cc: karingill@yahoo.com

Testimony for JUD 2/2/2012 2:00:00 PM HB2376

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Karin Gill

Organization: Individual

E-mail: karingill@yahoo.com

Submitted on: 2/1/2012

Comments:

Strong support.

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mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Thursday, February 02, 2012 8:02 AM

To: JUDtestimony

Cc: i.pestana@yahoo.com

Testimony for JUD 2/2/2012 2:00:00 PM HB2376

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Ikaika Pestana
Organization: Individual
E-mail: i.pestana@yahoo.com
Submitted on: 2/2/2012

Comments:

HB2376 is a big step in improving transparency for money in politics. We know this is going to be a big year for campaign spending, and here in Hawaii, corporations and Super PACs are already registering for 2012. Unfortunately Hawaii's disclosure laws are out of date in the new post-Citizens United v. FEC era, and we deserve to know where all this money is coming from and where it is going. This bill will require more "persons" to report their campaign spending, improve the reporting by noncandidate committees (PACs and SuperPACs), add late expenditure reports to shine light on money spent just before an election, and improve the disclosures at the end of campaign advertisements.

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mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, February 01, 2012 10:20 PM

To: JUDtestimony

Cc: melanie.abecassis@wanadoo.fr

Testimony for JUD 2/2/2012 2:00:00 PM HB2376

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: melanie abecassis

Organization: Individual

E-mail: melanie.abecassis@wanadoo.fr

Submitted on: 2/1/2012

Comments:

Citizens United vs FEC is one of the decisions the most damaging to our society. Please pass this bill so there is at least transparency. People have a right to know who is contributing money to whose campaign. Please strengthen our disclosure laws.

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mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Thursday, February 02, 2012 8:35 AM

To: JUDtestimony

Cc: palmtree7@earthlink.net

Testimony for JUD 2/2/2012 2:00:00 PM HB2376

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: janice palma-glennie
Organization: Individual
E-mail: palmtree7@earthlink.net
Submitted on: 2/2/2012

Comments:

Nothing is more important to our democracy than getting money out of politics.

Please support HB2376 as a way to increase government transparency regarding money in politics. With Citizens United undermining our democracy more than ever in history of this nation, this state bill will require more "persons" to report their campaign spending, improve the reporting by noncandidate committees (PACs and SuperPACs), add late expenditure reports to shine light on money spent just before an election, and improve the disclosures at the end of campaign advertisements. Please ask the committee to PASS this bill.

Mahalo.

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mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Thursday, February 02, 2012 8:30 AM

To: JUDtestimony

Cc: palmtree7@earthlink.net

Testimony for JUD 2/2/2012 2:00:00 PM HB2376

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: janice palma-glennie
Organization: Individual
E-mail: palmtree7@earthlink.net
Submitted on: 2/2/2012

Comments:

Aloha,
strengthening campaign finance laws is the only way to save our flailing democracy.
Please help Hawai`i remain a leader in open government. Pass this bill and help overturn
Citizens United.
Mahalo.

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mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Thursday, February 02, 2012 12:10 AM

To: JUDtestimony

Cc: carmille.lim@gmail.com

Testimony for JUD 2/2/2012 2:00:00 PM HB2376

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Carmille Lim
Organization: Individual
E-mail: carmille.lim@gmail.com
Submitted on: 2/2/2012

Comments:

Dear Chair Keith-Agaran, Vice Chair Rhoads, and members of the committee:

Our current disclosure laws are out of date and not ready for the post-Citizens United era; HB2376 is hugely important in updating Hawaii's reporting requirements to address unlimited corporate spending in campaigns, via independent expenditures and Super PACs.

Please pass HB2376.

Respectfully,
carmille lim

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mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Thursday, February 02, 2012 8:42 AM

To: JUDtestimony

Cc: bobglorptknck@htomail.com

Testimony for JUD 2/2/2012 2:00:00 PM HB2376

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Tim OConnor

Organization: Individual

E-mail: bobglorptknck@htomail.com

Submitted on: 2/2/2012

Comments:

Please support this bill to help protect transparency in campaign funding.