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TESTIMONY FOR SENATE BILL 1187, SENATE DRAFT 1

**House Committee on Judiciary
Hon. Gilbert S.C. Keith-Agaran, Chair
Hon. Karl Rhoads, Vice Chair**

**Wednesday, March 13, 2012, 2:00 PM
State Capitol, Conference Room 325**

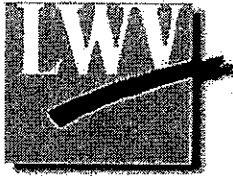
Honorable Chair Keith-Agaran and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony in support of SB 1187, SD1, which proposes an amendment to Article V, Section 6, of the Hawaii State Constitution, to provide for the election of the attorney general.

Currently, attorneys general are elected in 43 states and appointed by governors in only five. While there may be concerns that subjecting the attorney general to popular election will politicize the office of the state's preeminent legal officer, we note that the Office of the Attorney General is already politicized by being tied to gubernatorial elections. Once elected, an incoming governor typically, and expectedly, appoints an attorney general that shares the governor's legal philosophy on issues of importance, including challenges to state law and pending legislative matters. Perhaps the best evidence of this comes in the form of campaign contributions. Former Attorney General Mark J. Bennett, appointed by Gov. Linda Lingle, donated to Republican causes and candidates both prior to and while serving as attorney general (including donations of \$1,000 to the New Hampshire senatorial campaign of Kelly Ayotte, \$500 to the reelection campaign of Rep. Cynthia Thielen, and over \$1,000 to the Hawaii Republican Party, to name a few). Moreover, the attorney general serves as acting governor upon the absence of the governor and lieutenant governor, as happened from August 25 to September 3, 2004. Providing for a democratically elected attorney general would, if approved by voters, expand continuity of voter accountability throughout the gubernatorial line of succession in all eventualities, including emergencies and political junkets. And, finally, fostering democratic participation in selecting who controls government funds and power is, we submit, never a bad policy to maintain.

Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Legislative Director
IMUAlliance



THE LEAGUE OF WOMEN VOTERS OF HAWAII

TESTIMONY ON SB 1187, SD1, PROPOSING AN AMENDMENT TO ARTICLE V,
SECTION 6, OF THE HAWAII STATE CONSTITUTION, TO PROVIDE FOR THE
ELECTION OF THE ATTORNEY GENERAL

Committee on Judiciary
Rep. Gilbert S.C. Keith-Agaran, Chair
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Testimony written by Jean Aoki, LWV Legislative Committee

Chair Keith-Agaran, Vice Chair Rhoads, members of the Committee on Judiciary,

The League of Women Voters of Hawaii testified in support of an elected Attorney
General when this bill was heard in 2011.

While we still believe in the arguments we presented in support of an elected Attorney
General, we have decided that certain conditions are necessary to counteract the
negative consequences of having candidates for Attorney General soliciting campaign
funds in light of the US Supreme Court's decision in Citizens United v FEC which allows
for unlimited independent expenditures by corporations and wealthy individuals without
indicating the source of the moneys expended. The conflicts of interest generated by the
contribution of such large sums and the possible negative ads repeated day in and day
out for weeks or months before the elections could lead to perceptions of an
untrustworthy office.

Standing Committee Report No. 618 prepared by the Chair of the Senate Committee on
Judiciary and Labor, the honorable Senator Clayton Hee in 2011, presents the issue as
we see it.

However, the probability of billions of dollars contributed and spent by independent
groups inviting unfair, exaggerated and even half true or false allegations in an election,
caution us to wait until Congress can be persuaded to amend the constitution to allow for
fair and believable election campaigns.

This, combined with the availability of voluntary use of public campaign funds with its
sensible expenditure limits and rules would convince us to work for elected attorney
generals.

Thank you for giving us this opportunity to comment on SB 1187.