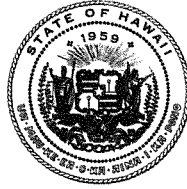


SB2493

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
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January 30, 2012

TO: The Honorable Clayton Hee, Chair
Senate Committee on Judiciary and Labor

The Honorable Maile S.L. Shimabukuro, Vice Chair
Senate Committee on Judiciary and Labor

Members of the Senate Committee on Judiciary and Labor

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

SUBJECT: **Testimony on S.B. No. 2493, Relating to Campaign Spending**

Thursday, February 2, 2012
9:30 a.m., Conference Room 016

Thank you for the opportunity to testify on this bill. The Campaign Spending Commission ("Commission") strongly supports this bill and urges the Committee to pass the bill.

Section 1 of the bill amends §11-301 (definitions), Hawaii Revised Statutes, by adding a definition of "matching payment period." In that same section, the definition of "qualifying contribution" includes a reference to a matching payment period during which a candidate seeking public funding may receive qualifying contributions of \$100 or less. The definition of "matching payment period" was included in a prior law (§11-191, Haw. Rev. Stat. (2009 Replacement)). Adding the definition of "matching payment period" back to the statute would allow Commission staff to better implement the partial public financing program.

Section 2 of the bill makes "housekeeping" amendments to §11-314 (duties of the Commission). For example, the bill replaces "duplicating" with "duplication" in subsection 4. The bill does not enlarge or curtail the duties of the Commission in any manner.

Section 3 of the bill amends §11-334(a)(1)(A) (time to file preliminary, final, and supplemental reports) by changing the due date of the 1st Preliminary Primary Report from "July 31 of the election year" to "thirty calendar days prior to a primary election."

Act 126, Sess. Laws Haw. (2010), advanced the date of the primary election from the last Saturday in September to the second Saturday in August. Thus, if the due date for the 1st Preliminary Primary Report is not also advanced, in election years such as this year, candidates will have back-to-back reporting deadlines of July 31st and August 1st to file the 1st Preliminary Primary Report and the 2nd Preliminary Primary Report, respectively.

Section 3 of the bill also amends §11-334(a)(4), to more clearly align the law with present practice. Presently, every candidate files the Supplemental Report that is due on January 31st every year and not just on January 31st of an election year. This bill would delete “after an election year” from the statutory provision.

Section 4 of the bill amends §11-335 (noncandidate committee reports) by separating the reporting of contributions into contributions received and contributions made by noncandidate committees, and requiring noncandidate committees to identify the candidate supported or opposed by the committees’ independent expenditures. This will align the statute with the reality that noncandidate committees both make and receive contributions and report them, and to promote transparency of spending on independent expenditures.

Finally, section 5 of the bill amends §11-423 (voluntary expenditure limits; filing affidavit) by amending subsection (b) to require candidates to file the affidavit to abide by statutory expenditure limits no later than the time to file nomination papers. This deadline was provided for in the prior law (§11-208(c) (2009 Replacement)) and would allow Commission staff to better implement the partial public financing program. The bill also amends subsection (d) by adding “prosecuting attorney” to paragraph (4). Thus, the prosecuting attorney, along with state senators, state representatives, and county council members participating in the partial public financing program would be able to spend \$1.40 multiplied by the number of registered voters in the voting district. This amendment reinstates language deleted by Act 203, Sess. Laws Haw. (2005). This deletion forced the Commission to place the prosecuting attorney in the “all other offices” category of spending limit, *i.e.*, 20 cents multiplied by the number of registered voters in the voting district. This seems unreasonable given the fact that the prosecuting attorney is a county-wide office. For example, under current law, the expenditure limit for the Honolulu Prosecuting Attorney for the 2012 elections is \$81,560 while the expenditure limit for the Honolulu Mayor is \$815,602. The expenditure limit for the Hawaii County Prosecuting Attorney for the 2012 elections is \$17,978 while the expenditure limit for the Hawaii County Mayor is \$179,776. Finally, the expenditure limit for the Kauai County Prosecuting Attorney for the 2012 elections is \$7,167 while the expenditure limit for the Kauai County Mayor is \$71,672.

This bill has a companion bill in the House of Representatives, H.B. No. 1756. That companion bill was passed, with amendments, by the House Committee on Judiciary on January 24, 2012.



LEAGUE OF
WOMEN VOTERS®

League of Women Voters of Hawaii

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Testimony

Committee on Judiciary and Labor

Hearing: Thursday Feb. 2, 2012

Time: 9:30 a.m.

Place: 016

SUBJECT: SB2493 Relating to Campaign Spending

POSITION: *SUPPORT Section 4*

Testimony:

Chair Hee, *Vice-Chair* Shimabukuro, 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 like very many organizations, in common with many citizens, has been deeply concerned about the impact of the Supreme Court's "Citizens United" decision in 2010. The large independent expenditures in 2010, and the much larger expenditures by "SuperPacs" in 2012, make voters feel disgusted and apathetic about participating in elections, irrespective of the actual harm done when elected officials are beholden to special interests.

Therefore we support the language of this bill in Section 4, requiring more disclosure by independent parties and committees of money raised and expended, and the candidates supported or opposed. Disclosure is a first step and a very important one, in addressing the harmful effects of the Citizens United decision.

Thank you for the opportunity to testify. While I will not be able to attend the hearing, Janet Mason, Vice President of the League of Women Voters of Hawaii, will read this testimony.

Beppie Shapiro

League of Women Voters of Hawaii