

LATE TESTIMONY

Testimony in opposition to SB2030

Before I begin I would like you to know that I am very much disposed to oppose the campaign spending commission. I am involved in a case that has dragged on for 10 months where I must now appeal to Circuit Court to find justice. And the dollar amount is small but the principle is great and I believe the CSC must be stopped from overstepping its boundaries. I believe those boundaries should be firmly established in law by this legislature.

The bill before us now is a great mess of vague and flimsy terminology that grants far too much latitude to CSC to prosecute and fine at will. As we will see in another bill before us this morning CSC attempts to increase its power and it's spending in ways that I believe the legislature should find objectionable.

SB2030 aims to control expenditures, disbursements and "coordinated activity", which is defined on page 2 as "payments." I find the use of the term "dispersements" in the statute intriguing because it is a term CSC is loath to use in its deliberations. "Disbursement" is a more generalized term than "expenditure," which has a precise definition in campaign spending law.

Here, a mere "suggestion" by a candidate or her "agent" that leads to any favorable action by a third party involving any spending of money is considered a reportable expenditure of the candidate. So, someone attending a neighborhood board hears a candidate utter an agreeable proposition and who, for example, takes campaign literature, makes copies and distributes them, has made a reportable "contribution." If CSC gets wind of it, they may prosecute and fine the candidate for failure to report.

Do you think this is far-fetched? I have seen worse in actual practice.

I personally witnessed a case where a candidate was to be fined \$25 because in her newspaper an over-inked press obscured the mandatory "paid for by" disclaimer in the ad. The candidate refused to pay any fine because the ad she submitted had the disclaimer and it was the pressman's fault that it was obscured. The CSC Executive Director immediately stood and threatened to increase the fine to the maximum of \$5000, that is, \$25 per occurrence if the candidate did not pay. Of course, no proof was offered that the needed 200 copies of the newspaper carried the obscured disclaimer. In the end, the newspaper came forward and paid the \$25 fine. I only pray the candidate reported this as a contribution.

Citing the case of Hanalei Aipoalani.

In SB2030, paragraph (b), someone posting a YouTube video of a candidate's broadcast could be said to be making a contribution to the candidate. If such a video went viral it could be said to be of considerable value to the candidate, so much so that it might put the candidate over the spending limit she had promised to uphold and therefore be in violation.

Citing the four exemptions and (d).

Of course, all of these provisions can be enforced entirely at the whim of CSC.

I see that this legislation is introduced "by request" and not necessarily by the belief of the legislator. I wonder if any requestor to introduce such bad legislation is ever told "get out of my office."

I have admitted in open meeting that if I had my way I would do away with the commission altogether (gasp) because I believe in freedom and in the natural God-given rights of man. The founders of our nation felt strongly enough about these rights that they were codified in the supreme law of the land as a Bill of Rights.

But I also believe in obeying the law.

I believe 11-363 should not be amended, but repealed.

Campaign
Spending
Commission
Minutes
4/15/15

Hanalei Aipoalani

Human Resources Management Professional at Olelo
Community Media
Waianae, Hawaii | Broadcast Media



Old Business

Docket No. 15-111 – In Re the Matter of Hanalei Aipoalani.

Angelita Aipoalani, and Friends of Hanalei

Executive Director Izumi-Nitao reported that a complaint was filed alleging the Respondents' failure to file the Supplemental Report. On 3/11/15, the Commission issued a Preliminary Determination of Probable Cause and assessed a fine of \$500.

Executive Director Izumi-Nitao reported that on 3/12/15 Respondent Aipoalani called Commission staff and stated that he would not pay the fine because he terminated his committee. On 3/19/15, Associate Director Baldomero received an email from Respondent Aipoalani requesting reconsideration of the Commission's order and dismissal of the fine issued on 3/11/15. Respondent Aipoalani asserts that he was not a candidate in the 2014 election, that he had no financial activity, that he received guidance from staff in submitting a closing report, and that he was under the impression that his committee's registration had been terminated.

Executive Director Izumi-Nitao stated that a review of Respondent Aipoalani's candidate committee file shows that the request to terminate registration did not occur until 3/12/15, that the closing bank statement was received on 3/5/15, that it was not until the filing of the Supplemental Report on 3/9/15 that his committee showed no surplus or deficit, and therefore, he was not eligible to terminate before the Supplemental Report deadline of 2/2/15. She further stated that it is not evident in the committee file nor with conversations with staff that Respondent Aipoalani's committee registration was terminated before the 2/2/15 deadline.

Staff recommended that the Commission not reconsider the Order issued at the 3/11/15 meeting and enforce the \$500 fine.

Chair Snipes moved to accept staff's recommendation that the Order not be reconsidered and that the \$500 fine be enforced. Motion seconded by Commissioner Yoshihara. Motion carried (4-0).

In response to Vice Chair Gomes' question regarding Respondent Aipoalani's bank balance, Associate Director Baldomero responded that Respondent Aipoalani closed the committee's bank account on 10/17/14.

Executive Director Izumi-Nitao stated that even if the committee's bank account had been closed, Respondent Aipoalani was not eligible to terminate its registration until after the filing of the last Supplemental Report was due. *!! He complied*

Docket No. 15-94 – In Re the Matter of Julia Allen, Valrie Griffith, and Committee to Elect Julia Allen

Present – Michael Palcic, Chairperson