

Honolulu, Hawaii

FEB 14 2017

RE: S.B. No. 441  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 441 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONEERING  
COMMUNICATIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the  
electioneering communication law by:

- (1) Clarifying that the disclosure date of an electioneering communication for which a statement of information is required to be filed with the Campaign Spending Commission is any date on which an electioneering communication is publicly distributed, if actions taken by the person making the electioneering communication meet certain conditions; and
- (2) Amending the definition of "electioneering communication" to:
  - (A) Clarify that all mailers, rather than only mailers sent at bulk rate, are included as an electioneering communication; and
  - (B) Delete language that excludes expenditures by expending organizations as an electioneering communication, for purposes of consistency.



Your Committee received testimony in support of this measure from the Campaign Spending Commission. Your Committee received testimony in opposition to this measure from the Libertarian Party of Hawaii.

Your Committee finds that this measure provides necessary housekeeping amendments to clarify the disclosure date of an electioneering communication, which impacts the filing of a statement of information, and the types of communication that comprise an electioneering communication.

Your Committee notes that with the proliferation of social media, online electronic communications for elections have increased over the years. Your Committee believes that this mode of electioneering communication merits further discussion as this measure moves through the legislative process.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment 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. 441, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 441, S.D. 1, and be referred to your Committee on Ways and Means.


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

  
GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
Twenty-Ninth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 441</b>	Committee Referral: <b>JDL, WAM</b>	Date: <b>2/2/17</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado	✓			
THIELEN, Laura H.	✓			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes