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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
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February 21, 2017

TO: The Honorable Jill N. Tokuda, Chair
Senate Committee on Ways and Means

The Honorable Donovan M. Dela Cruz, Vice Chair
Senate Committee on Ways and Means

Members of the Senate Committee on Ways and Means

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

SUBJECT: **Testimony on S.B. No. 441, S.D. 1, Relating to Electioneering
Communications**

Wednesday, February 22, 2017
9:30 a.m., Conference Room 211

Thank you for the opportunity to testify on this bill.¹ The Campaign Spending Commission (“Commission”) supports this bill.

This bill amends Hawaii Revised Statutes (“HRS”) §11-410 by amending the definition of “disclosure date” from the time the expenditure for the electioneering communication is made to when the electioneering communication is “publicly distributed.” This will make the filing of the statement of information more timely since the statement will be filed within twenty-four hours after an electioneering communications is made known to the public, rather than within twenty-four hours of when the communicator has paid for the advertisement, which may not be publicly disclosed for some time after payment. It is more likely that a member of the public will look for a statement of information only after the member has seen the advertisement.

This bill also amends the definition of “electioneering communication” by deleting “bulk rate” after “sent by mail” so that all mailers, no matter the postal rate, will be included in the definition. HRS §11-410 is essentially a disclosure requirement to make electioneering

¹ The companion bill in the House is H.B. No. 284.

communications transparent to the public. It does not make sense to exclude mailers sent by first class postage. Finally, the bill amends subsection (d) by removing communications “that constitute expenditures by the expending organization” from the short list of communications that are not electioneering communications. The language sought to be deleted is clearly inconsistent with subsections (a) and (b). The definition of “person,” used in subsection (a) includes candidate committees and noncandidate committee. HRS §11-302. In addition to the definition of “person,” subsection (b) expressly refers to candidate committees and noncandidate committees filing the statement of information in subsection (b)(6) and (b)(9).

The Commission requests that this Committee pass this measure.



Senate Ways and Means Committee
Chair Jill Tokuda, Vice Chair Donovan Dela Cruz

02/22/2017 at 9:30 AM in Room 211
SB441 SD1 – Relating to Electioneering Communications

TESTIMONY — SUPPORT
Corie Tanida, Executive Director, Common Cause Hawaii

Dear Chair Tokuda, Vice Chair Dela Cruz and members of the Senate Ways and Means Committee:

Common Cause Hawaii supports SB441 SD1 which would amend the definition of “disclosure date” and “electioneering communication” as it pertains to electioneering disclosure statements.

We believe this bill will increase transparency because it would require electioneering disclosure statements to be filed within 24 hours of releasing an electioneering communication to the public, rather than when said communication was paid for. The period of time from when an electioneering communication is made public and when it is paid for can vary greatly. This bill will provide consistency in the reporting of important information.

Amending the definition of electioneering communication to apply to all mail pieces, rather than just those sent at “bulk rate” would further increase transparency by closing a disclosure loophole as many mailers are sent by first class mail.

Thank you for the opportunity to offer testimony **supporting SB441 SD1**.