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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

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HONOLULU, HAWAII 96813

January 31, 2017

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair
Senate Committee on Judiciary and Labor

The Honorable Karl Rhoads, Vice Chair
Senate Committee on Judiciary and Labor

Members of the Senate Committee on Judiciary and Labor

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

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

Thursday, February 2, 2017
9:00 a.m., Conference Room 016

Thank you for the opportunity to testify on this bill. 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 communication 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 communications transparent to the public. It does not make sense to exclude mailers sent by first class postage. The bill finally 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.

TESTIMONY
THE LIBERTARIAN PARTY OF HAWAII
c/o 1658 Liholiho St #205
Honolulu, HI 96822

January 28 2017

RE: SB 441 to be heard Thursday February 2, in Room 016 at 9AM

To the members of the Senate Committee on Judiciary and Labor

We oppose this bill as it raises constitutional issuer of equal protection. The bill gives certain groups immunity from the filing requirements i.e. television news stories and other journalists. Freedom of the press actually extends to everyone who prints or otherwise disseminates information. Bloggers and others who wish to write editorials and pay to have them printed in the newspapers cannot be given burdens beyond those set upon the owners of such papers or their staff.

Signed:



Tracy Ryan, Chair