

Honolulu, Hawaii

, 2019

FEB 28

RE: H.B. No. 164
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 164 entitled:

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

begs leave to report as follows:

The purpose of this measure is to amend the requirements for a statement of information filed by each person who makes an expenditure for electioneering communications of more than \$2,000 in the aggregate during any calendar year by:

- (1) Amending the definition of "disclosure date" to mean the first date on which an electioneering communication is publicly distributed and any other date on which an electioneering communication is publicly distributed during that same year;
- (2) Amending the definition of "electioneering communication" to:
 - (A) Include any advertisement sent by mail instead of at a bulk rate; and



- (B) Repeal the exclusion of communications that constitute expenditures by the expending organization; and
- (3) Repealing the requirement that a person be treated as having made an expenditure if the person has executed a contract to make the expenditure.

The Campaign Spending Commission testified in support of this measure. An individual provided comments.

Your Committee has amended this measure by:

- (1) Including a preamble;
- (2) Specifying that the statement of information shall only apply to electioneering communications made by noncandidate committees;
- (3) Expanding the definition of "disclosure date" to include the date that any electioneering communication in any amount is publicly distributed on a social media platform;
- (4) Defining an "electioneering communication" as an advertisement that is made within ninety days, rather than thirty days, prior to a primary, general, initial special election, or special election;
- (5) Requiring that any advertisement by a noncandidate committee that makes only independent expenditures to disclose the contributors to the noncandidate committee; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 164, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 164, H.D. 1, and be placed on the calendar for Third Reading.



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



CHRIS LEE, Chair



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: H8164	Committee Referral: Ju0	Date: 2/13/19
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The committee is reconsidering its previous decision on the measure.

The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom	/			
4. CREAGAN, Richard P.				/
5. LOWEN, Nicole E.	/			
6. McKELVEY, Angus L.K.	/			
7. MORIKAWA, Dee				/
8. SAY, Calvin K.Y.	/			
9. TAKAYAMA, Gregg	/			
10. YAMANE, Ryan I.	/			
11. THIELEN, Cynthia	/			
TOTAL (11)	<i>9 Jans</i>			<i>2</i>

The recommendation is: Adopted Not Adopted
 If joint referral, _____ did not support recommendation.
committee acronym(s)

Vice Chair's or designee's signature: _____

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