

STAND. COM. REP. NO.

1888

Honolulu, Hawaii

APR - 5 2019

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

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B.
No. 164, H.D. 1, 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:

- (1) Apply the electioneering communication section only to noncandidate committees;
- (2) Amend the definition of "disclosure date" to mean the date when the electioneering communication is publicly distributed;
- (3) Expand the definition of "electioneering communication" in section 11-341(d), HRS, to apply to advertisements:
 - (A) Sent by any mail rate;
 - (B) That are expenditures of an organization; and
 - (C) Are made or scheduled to be made within 90 days of an election;



- (4) Repeal the presumption that a person who has executed a contract to make an expenditure for electioneering communications has made those expenditures for the purposes of electioneering communication statement of information requirements; and
- (5) Require any advertisement by a noncandidate committee that makes only independent expenditures to disclose all contributors for the advertisements.

Your Committee received testimony in opposition to this measure from the Campaign Spending Commission. Your Committee received comments on this measure from the Department of the Attorney General and Hawaii Association of Broadcasters, Inc.

Your Committee finds that the democratic election process benefits from transparency in campaign advertising. Your Committee further finds that well-funded political action committees are capable of influencing elections to a significant degree. This measure will increase transparency and provide additional clarification to campaign advertising laws.

Your Committee has amended this measure by:

- (1) Requiring all persons, candidate, and noncandidate committees that make electioneering communication expenditures to a single vendor of more than \$2,000 in aggregate in one week to file a report with the Campaign Spending Commission within thirty days of a primary election or sixty days of a general or special election;
- (2) Requiring all noncandidate committees to disclose the top three contributors to the committee in their advertising;
- (3) Removing overly broad language in the definition of "disclosure date";
- (4) Inserting an effective date of March 15, 2024, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



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, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 164, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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

Karl Rhoads

KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* HB 164 HD1	Committee Referral: JDC	Date: 3/14/19		
<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
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
FEVELLA, Kurt				✓
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes