



**STATE OF HAWAII**  
**CAMPAIGN SPENDING COMMISSION**

235 SOUTH BERETANIA STREET, ROOM 300  
HONOLULU, HAWAII 96813

January 31, 2019

TO: The Honorable Chris Lee, Chair  
House Committee on Judiciary

The Honorable Joy A. San Buenaventura, Vice Chair  
House Committee on Judiciary

Members of the House Committee on Judiciary

FROM: Kristin Izumi-Nitao, Executive Director *T.B.*  
Campaign Spending Commission *For*

SUBJECT: **Testimony on H.B. No. 164, Relating to Electioneering Communications**

Friday, February 1, 2019  
2:00 p.m., Conference Room 325

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

This measure amends Hawaii Revised Statutes (“HRS”) §11-341 to change the definition of “disclosure date” from the first date a person has made expenditures during that year of more than \$2,000 to the first date the electioneering communication is publicly distributed, provided that more than \$2,000 has been spent. After the filing of a statement of information, the bill also amends that section to require further electioneering communications to be disclosed only after more than \$2,000 has been spent for electioneering communications since the most recent disclosure date.

The bill further amends the definition of “electioneering communication” by deleting “at a bulk rate” from advertisements sent by mail so that all advertisements sent by mail, be it bulk rate or first class, will be covered by the definition. Finally the bill deletes items “that constitute expenditures by the expending organization” from the types of communications excluded from the definition of electioneering communication.

The changing of the disclosure date to when the advertisement runs, which triggers the need to file the statement of information, is more timely since contracts for these advertisements could occur weeks or months before the advertisements are publicly distributed. Also, after a

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<sup>1</sup> The companion bill is S.B. No. 139.

committee files its first statement of information, requiring the spending of more than \$2,000 to again trigger the requirement of filing of another statement of information will reduce the number of disclosure that will be filed. This is especially true in cases where committees choose to buy numerous, inexpensive social media advertisements.

Finally, it makes no sense to consider advertisements mailed by bulk rate only, and not by any other postal rate, to be electioneering communications. Also, some committees have used the exclusion of items “that constitute expenditures by the expending organization” from the definition of electioneering communication, as a reason why those committees did not have to file statements of information. However, all committees are required to file statements of information for electioneering communications. HRS §§11-341(b)(2), 11-341(b)(3), & 11-341(b)(6). This exclusion is not needed since it cannot apply to committees already registered with the Commission and since the spending threshold for electioneering communications is more than \$2,000, any person making an expenditure for electioneering communication will have to register with the Commission.

TO: Members of the Committee on Judiciary

FROM: Natalie Iwasa  
808-395-3233

HEARING: 2 p.m. Friday, February 1, 2019

SUBJECT: HB164, Electioneering Communications – **Comments**

Aloha Chair and Committee Members,

Thank you for allowing me the opportunity to provide testimony on HB164, which changes the reporting date for electioneering communications. I have comments on the law in general.

Currently advertisements for candidates are required to be reported if a candidate has had at least \$2,000 in advertising expenditures during the year. This includes Facebook ads, which can be in amounts as low as \$1.

A candidate that runs Facebook ads daily in the 30 or 60 days leading up to elections is required to report 30 – 60 expenditures of these insignificant amounts. While I think it is important that voters know who is paying for political advertisements, the main concern is the big money. This particular requirement adds to paperwork for candidate committees as well as campaign spending staff.

**Please consider revising the electioneering reporting requirement to include only expenditures above certain amounts, e.g., \$50 or \$100 per advertisements.**