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‘O kēia ‘ōlelo hō’ike no ke
Komikina Kūlana Olakino o Nā Wāhine

Testimony on behalf of the
Hawai‘i State Commission on the Status of Women

Prepared for the Senate Committee on JDC

In Support of SB2989
Friday, February 7, 2020, at 10:00 a.m. in Room 016

Dear Chair Rhoads, Vice Chair Keohokalole, and Honorable Members,

The Hawai‘i State Commission on the Status of Women writes in **support** of SB2989, which would allow candidates seeking election for state- and county-level offices to use campaign funds for child care costs, under certain conditions.

The Commission believes in universal childcare and that childcare as a right. Electoral political remain overwhelmingly male-dominated. There are currently zero women-identified mayors or prosecuting attorneys in the state. Women legislators comprise less than one-third of the Hawai‘i State Legislature. Childcare has the potential to significantly increase women’s participation in political office. Research has shown a correlation between the number of women in a legislature and the number of bills related issues connected to women’s needs and family wellbeing.¹

The Commission requests that the following language be struck from the current draft:

~~The child care costs shall only cover child care services on weekends or after 3:00 p.m. on weekdays; and~~

The aforementioned restriction does not match the reality of child care providers, which typically require drop-off by 9:00 a.m., or the time demands of electoral campaigning. Accordingly, the Commission respectfully urges the Committee to pass SB2989

¹ Thomas, S. “The Impact of Women on State Policies,” The Journal of Politics, Nov. 1991, <https://www.jstor.org/stable/2131862?seq=1>

Sincerely,

Khara Jabola-Carolus

KRISTIN E. IZUMI-NITAO
EXECUTIVE DIRECTOR



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**STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION**

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

February 5, 2020

TO: The Honorable Karl Rhoads, Chair
Senate Committee on Judiciary

The Honorable Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

Members of the Senate Committee on Judiciary

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

SUBJECT: **Testimony on S.B. No. 2989, Relating to Campaign Finance**

Friday, February 7, 2020
10:00 a.m., Conference Room 016

Thank you for the opportunity to testify on this bill. The Campaign Spending Commission ("Commission") appreciates the intent of this bill and offers the following comments.

This bill amends Hawaii Revised Statutes ("HRS") §11-381 by amending subsection (a) to add child care costs as an additional permissible expense of a candidate committee in a new paragraph 9. If the intent of the bill is to allow candidates for all state and local offices to use campaign funds to pay for child care costs, then subparagraph (A)¹ is not needed. Also, the Committee should consider defining the meaning of "child" and "child care" or at least refer to definitions used elsewhere in Hawaii law. For example, the Department of Human Services defines "child" as "any person who has not reached the age of eighteen" and "child care" as "those situations where a person or organization has agreed to assume the responsibility for the child's supervision, development, safety, and protection apart from the parent or guardian for any part of a twenty-four hour day." Hawaii Administrative Rules ("HAR") §17-892.1-1.

Finally, the amendment to section (3) of HRS §11-382 (lines 4-6 on page 6) should be deleted. That section prohibits the use of campaign funds for personal expenses. A Commission

¹ Lines 19-21 on page 4 and lines 1-6 on page 5.

rule defines “personal expenses” as “expenses that would exist irrespective of a candidate’s campaign to seek the nomination or election to office or being elected to an office.” HAR §3-160-42(b). The Commission assumes that this bill permits the use of campaign funds for child care costs that arise because of the candidate’s need to campaign for office and not for personal reasons.

Statement Before The
SENATE COMMITTEE ON JUDICIARY
Friday, February 7, 2020
10:00 AM
State Capitol, Conference Room 016

in consideration of
SB 2989
RELATING TO CAMPAIGN FINANCE.

Chair RHOADS, Vice Chair KEOHOKALOLE, and Members of the Senate Judiciary Committee

Common Cause Hawaii supports SB 2989, as amended, which would permit candidates seeking election for state- and county-level offices to use campaign funds for child care costs, under certain conditions, but is concerned that there are not enough safeguards in the bill to ensure its effectiveness and/or prevent abuses.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization to reforming government and strengthening democracy through improving our campaign finance system with laws that amplify the voices of everyday Americans.

Common Cause Hawaii understands that parenthood and care for one's dependents should not be a barrier to political office. One solution to this unnecessary obstacle to this problem is to allow candidates to use campaign funds to defray the expensive costs of a candidates' child care or dependent family care. A growing number of candidates and good governance organizations are pushing state legislatures and elections commission to adopt such a proposal because it would encourage more women and low-income candidates to run for office by clearing a restrictive financial barrier to offices for parents and caregivers. However, upon review of SB 2989, it does not appear to fully realize this goal.

Common Cause Hawaii suggests amendments to SB 2989 to fulfill its intent.

- Delete section (B), at page 5, lines 7-9, of SB 2989. Common Cause Hawaii suggests, instead, using a "but for" model. A "but for" model, which holds that a candidate may only spend funds on childcare or dependent care if the expense would not have occurred "but for" campaign activity, strikes the correct balance between promoting a flexible system that can meet the changing needs of modern families and protect against potential abuse of this system.
- Delete section (C), at page 5, lines 10-14, of SB 2989, as it should be covered under the bullet proposed above. Blanket approval of costs, as currently contemplated by SB 2989, may be subject to abuse.
- SB 2989 be amended to allow campaign funds to be spent on the care of a candidate's other vital household dependents, such as family members living in the candidate's household who are physically or mentally incapable of self-care. Regulations that expressly allow campaign funds to be spent on both childcare and dependent care will help keep campaign finance models modernized.
- SB 2989 be amended to allow a pre-approval process for candidates who want to spend campaign funds on childcare / dependent care, including appropriateness of the care. It would allow candidates to know whether they can use campaign funds on any proposed child and dependent care expenditure before

they spend any money they might later have to reimburse the campaign if subsequently found to be inappropriate. A pre-approval process also would benefit a regulatory commission because it would prevent feeling pressured to retroactively approve a candidates' expenditures the it would rather not allow if the candidate has already spent thousands of dollars on a service.

- SB 2989 be amended to prohibit family members of candidates from being paid with public campaign funds under SB 2989. For public financing systems to retain the confidence of the public, these systems must remain vigilant to the perception that public funds are not being inappropriately used by candidates for their personal or family's benefit.

Thank you for the opportunity to testify in support of SB 2989 with amendments. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii



SB-2989

Submitted on: 2/5/2020 1:17:45 PM

Testimony for JDC on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Foster	Individual	Support	No

Comments:

Mahalo for this draft. We support the intent of the bill but it could use some work.

Scott Foster

Communications Director

Hawaii Advocates For Consumer Rights

SB-2989

Submitted on: 2/5/2020 7:43:00 PM

Testimony for JDC on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	Individual	Support	No

Comments:

SB-2989

Submitted on: 2/6/2020 6:52:18 AM

Testimony for JDC on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Rhoads and Members of the Senate Committee on Judiciary,

I am writing in support of SB2989 as amended, which would permit candidates seeking election for state- and county-level offices to use campaign funds for child care costs, under certain conditions, but is concerned that there are not enough safeguards in the bill to ensure its effectiveness and/or prevent abuses.

I believe that parenthood and care for one's dependents should not be a barrier to political office. One solution to this unnecessary obstacle to this problem is to allow candidates to use campaign funds to defray the expensive costs of a candidates' child care or dependent family care. A growing number of candidates and good governance organizations are pushing state legislatures and elections commission to adopt such a proposal because it would encourage more women and low-income candidates to run for office by clearing a restrictive financial barrier to offices for parents and caregivers. However, upon review of SB 2989, it does not appear to fully realize this goal.

Below are suggested amendments to SB 2989 to fulfill its intent.

- Delete section (B), at page 5, lines 7-9, of SB 2989. Suggestion to instead, using a "but for" model. A "but for" model, which holds that a candidate may only spend funds on childcare or dependent care if the expense would not have occurred "but for" campaign activity, strikes the correct balance between promoting a flexible system that can meet the changing needs of modern families and protect against potential abuse of this system.
- Delete section (C), at page 5, lines 10-14, of SB 2989, as it should be covered under the bullet proposed above. Blanket approval of costs, as currently contemplated by SB 2989, may be subject to abuse.
- SB 2989 be amended to allow campaign funds to be spent on the care of a candidate's other vital household dependents such as family members living in the candidate's household who are physically or mentally incapable of self-care. Regulations that expressly allow campaign funds to be spent on both childcare and dependent care acknowledge this reality and will help keep campaign finance models modernized.
- SB 2989 be amended to allow a pre-approval process for candidates who want to spend campaign funds on childcare / dependent care, including

appropriateness of the care. It would allow candidates to know whether they can use campaign fund on any proposed child and dependent care expenditure before they spend any money they might later have to reimburse the campaign if later found to be inappropriate. A pre-approval process also would benefit regulatory commissions because it would prevent feeling pressured to retroactively approve a candidates' expenditures the board would rather not allow if the candidate has already spent thousands of dollars on a service.

- SB 2989 be amended to prohibit family members of candidates from being paid with public campaign funds under SB 2989. For public financing systems to retain the confidence of the public, these systems must remain vigilant to the perception that public funds are not being corruptly used by candidates for their personal or family's benefit.

Thank you for your time and attention. Please pass this bill.

Mahalo,

Caroline Kunitake

SB-2989

Submitted on: 2/3/2020 7:47:53 PM

Testimony for JDC on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lea Minton	Individual	Support	No

Comments:

SB-2989

Submitted on: 2/4/2020 8:01:16 PM

Testimony for JDC on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Oppose	No

Comments:

This is not what Campain Funds are for. This just shows how Corrupt Hawaii has Become!!

SB-2989

Submitted on: 2/5/2020 9:44:22 PM

Testimony for JDC on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
tlaloc tokuda	Individual	Support	No

Comments:

I supports the intent of the bill but this bill is really drafted poorly!

SB-2989

Submitted on: 2/3/2020 7:48:42 PM

Testimony for JDC on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Breastfeeding Hawaii	Testifying for Breastfeeding Hawaii	Support	No

Comments:

SB-2989

Submitted on: 2/3/2020 7:48:14 PM

Testimony for JDC on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Midwives Alliance of Hawaii	Testifying for Midwives Alliance of Hawaii	Support	No

Comments: