

STAND. COM. REP. NO.

104

Honolulu, Hawaii

FEB 09

, 2021

RE: H.B. No. 656  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Government Reform, to which was referred  
H.B. No. 656 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose of this measure is to exclude:

- (1) Communications on clothing and other attire associated with a candidate's candidate committee from the definition of "advertisement"; and
- (2) Clothing, other attire, yard signs, and sundry items and advertisements made by a candidate or candidate's candidate committee from electioneering communication reporting requirements.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Campaign Spending Commission and Common Cause Hawaii.

Your Committee recognizes the testimony on this measure by the Campaign Spending Commission, who raised in its testimony that articles of clothing are not advertisements and are therefore not electioneering communications. The Campaign Spending Commission

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additionally testified that yard signs are also not electioneering communications because they are not "broadcast, from a cable, satellite, television, or radio broadcast station; published in any periodical or newspaper or by electronic means; or sent by mail at a bulk rate."

Your Committee has accordingly amended this measure by:

- (1) Deleting the provision excluding communications on clothing and other attire associated with a candidate's candidate committee from the definition of "advertisement";
- (2) Removing communication of a candidate's name on clothing, other attire, and yard signs from the exclusion provisions under the definition of "electioneering communication";
- (3) Changing its effective date to July 1, 2112, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committee on Judiciary & Hawaiian Affairs, should it choose to deliberate on this measure, to examine the amendments made to this measure and the concerns raised by testifiers on the disclosure requirements for advertisements and electioneering communications.

As affirmed by the record of votes of the members of your Committee on Government Reform that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 656, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 656, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on  
behalf of the members of the  
Committee on Government Reform,



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ANGUS L.K. McKELVEY, Chair



