



STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

February 23, 2021

TO: The Honorable Mark M. Nakashima, Chair
House Committee on Judiciary & Hawaiian Affairs

The Honorable Scot Z. Matayoshi, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

Members of the House Committee on Judiciary & Hawaiian Affairs

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

SUBJECT: **Testimony on H.B. No. 239, HD 1, Relating to Campaign Advertisements.**

Wednesday, February 24, 2021
2:00 p.m., Via Video Conference

Thank you for the opportunity to testify on this bill. The Campaign Spending Commission ("Commission") opposes this bill.

The bill adds a new subsection (b) to HRS §11-391 that requires the advertisement disclaimer to be placed in a prominent location on the first page of a multi-page advertisement and on the cover page if the advertisement is used as the lead article and displayed on the cover page of a state-wide or county-wide publication. This amendment is not necessary. Multi page advertisements, e.g. mailers or post cards printed front and back or tri-fold mailers, routinely have the disclaimer at the end of the advertisement. The Commission has not found this to be a problem. For the one case that was brought to the Commission involving a cover story advertisement in the MidWeek,¹ the Commission found that the placement of the disclaimer at the end of the advertisement (last page) did not violate HRS §11-391. In that case, the cover page lead was descriptively connected to the second page, and the second page was descriptively connected to the last page, where the disclaimer was placed. The Commission did not believe the placement of the disclaimer at the end was deceptive. Simply by reading the whole advertisement, a reader would discover the identity and address of the person paying for the advertisement. Further, the Commission cannot recall encountering an advertisement where the disclaimer was placed at a location other than the end of the advertisement.

¹ This kind of advertisement may not occur again. The negative coverage of MidWeek may cause the publication to adjust its advertising offerings in the future.

The Commission opposes this bill and asks this Committee to defer or hold this bill.

Hawaii
*Holding Power Accountable*Statement Before The
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRSWednesday, February 24, 2021
2:00 PM

Via Videoconference, Conference Room 325

in consideration of
HB 239, HD1
RELATING TO CAMPAIGN ADVERTISEMENTS.

Chair NAKASHIMA, Vice Chair MATAYOSHI, and Members of the Judiciary & Hawaiian Affairs Committee

Common Cause Hawaii supports HB 239, HD1, which requires, in the case of any multiple-page advertisement, for the required disclosures to be made on the first page of the advertisement or on the cover page of the publication if the advertisement is used as the lead article and displayed on the cover page of a state- or county-wide distributed publication.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy through transparency in our campaigns and elections.

HB 239, HD1 would provide the public, in the cases of multiple-page campaign advertisements, with more, clearer notice as to what is an actual paid political advertisement and who paid for the political advertisement. HB 239, HD1 would increase transparency in elections. Candidates, candidate committees, noncandidate committees, and other persons have gotten more and more creative with their political advertising so that it may be difficult for the average person to discern what actually is a paid-for-advertisement versus a legitimate endorsement. HB 239, HD1 will help people know the difference.

Thank you for the opportunity to testify in support of HB 239, HD1. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii



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COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
WEDNESDAY, 2/24/21, 2 PM, Room No. 325

HB239 HD1 RELATING TO CAMPAIGN ADVERTISEMENTS
Beppie Shapiro, Legislative Committee, League of Women Voters of Hawaii

Chair NAKASHIMA, Vice-Chair MATAYOSHI and Committee Members:

The League of Women Voters of Hawaii supports this bill, which requires, in the case of any multiple-page advertisement, for the required disclosures to be made on the first page of the advertisement or on the cover page of the publication if the advertisement is used as the lead article and displayed on the cover page of a state- or county-wide distributed publication.

The League of Women Voters is a non-partisan, activist, grassroots organization whose leaders believed that people should play a critical role in democracy. The League believes that campaign finance regulations should provide voters sufficient information about candidates and campaign issues to make informed choices, including ensuring transparency and the public's right to know who is using money to influence elections. HB239 HD1 supports those goals.

HB239 HD1 will provide useful information to the public – we will be able to identify a campaign advertisement as such, and know its source, before seeing content designed to influence our beliefs and actions; before seeing statements in campaign advertisements, we will know who paid for the advertisement. Knowing who or what organization is supporting the campaign in this way lets us consider how this individual or organization might benefit from the supported candidate's election. Then we as voters, can decide whether we share their interest in supporting the candidate or whether we value their opinions.

Thank you for the opportunity to submit testimony.

HB-239-HD-1

Submitted on: 2/22/2021 5:48:45 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members,

Please support HB239.

Thank you,

Andrea Quinn

HB-239-HD-1

Submitted on: 2/23/2021 6:20:28 AM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Anderson	Individual	Support	No

Comments:

HB 239, HD1 would provide the public, in the cases of multiple-page campaign advertisements, with more, clearer notice as to what is an actual paid political advertisement and what is a legitimate endorsement by a person or organization.

HB 239, HD1 would increase transparency in elections. Candidates, candidate committees, noncandidate committees, and other persons have gotten more and more creative with their political advertising so that it may be difficult for the average person to discern what actually is a paid-for-advertisement versus a legitimate endorsement. HB 239, HD1 will help people know the difference.

HB-239-HD-1

Submitted on: 2/23/2021 10:06:15 AM

Testimony for JHA on 2/24/2021 2:00:00 PM

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

Comments:

Dear Chair Nakashima, Vice Chair Matayoshi and Committee on Judiciary and Hawaiian Affairs,

Please support HB239 HD1. This bill will constructively increase transparency for political advertisements.

HB239 HD1 would provide the public with more, clearer notice as to what is an actual paid political advertisement and who paid for the political advertisement. HB 239 HD1 would increase transparency of election campaigns.

Political advertisements usually are essential for winning an election. Because of this, the candidate with the most money in their campaign war chest has the greatest advantage. Political advertisements play on the fact that elections are a popularity contest - whomever has the best marketing strategy with the strongest funding often wins.

The average person will not question a political advertisement and immediately accept the information promoted at face value. This is a serious issue that's similar to truth in advertising.

Eligible voters deserves to know which media stories are political advertisements and who is endorsing the candidate through the advertisement. This bill will empower engaged voters to quickly discern paid commercials from real news stories and opinion editorials.

Thank you for your time and attention to this matter. I appreciate the opportunity to provide testimony in support of HB239 HD1.

Mahalo,

Caroline Kunitake

HB-239-HD-1

Submitted on: 2/23/2021 10:06:58 AM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments:

I am in full support of this bill. This will increase transparency, something which was lacking in 2020 when Midweek ran what readers believed was a pages long article about a Honolulu mayoral candidate and the fact that it was an ad, not a news piece, was buried. That fact became a major news item. This bill will rectify that shameful behavior in the future.

HB-239-HD-1

Submitted on: 2/23/2021 11:01:00 AM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Meacham	Individual	Support	No

Comments:

Testimony SUPPORTING HB 239, HD 1, Campaign Ad Disclosures

Thank you for the opportunity to offer testimony.

The public needs to be clear about who is paying for campaign advertising.

This bill requires disclosure on the first or cover page of an ad, so that it is not buried in small type somewhere else in the ad. We need this transparency so that voters know who is providing support for candidates.

Thank you for the opportunity to offer testimony.

HB-239-HD-1

Submitted on: 2/23/2021 1:03:00 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Edward B Hanel Jr	Individual	Support	No

Comments:

Concur with coments of Common Cause Hawaii supporting passage of HB239. Full disclosure of sources paying for political advertising will endance the goal of open tranparency in all parts of the election process. It should be easy to support by anyone who supports fairness in our elections.

HB-239-HD-1

Submitted on: 2/23/2021 1:51:08 PM

Testimony for JHA on 2/24/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
laurie boyle	Individual	Support	No

Comments:

I support hb239 for the simple reason that clear advertisements with clear sponsorship should be clear to thr viewer, reader.

Mahalo for your attention.