

Statement Before The  
**HOUSE COMMITTEE ON GOVERNMENT REFORM**  
Wednesday, February 3, 2021  
8:30 AM  
Via Video Conference, Conference Room 309

in consideration of  
**HB 660**  
**RELATING TO POLITICAL ADVERTISING.**

Chair McKELVEY, Vice Chair WILDBERGER, and Members of the Government Reform Committee

Common Cause Hawaii provides written comments on HB 660, which prohibits the microtargeting of political advertisements on television and social media based on online behavioral data, demographic characteristics, and geographic location below the electoral district level.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy through accountability and transparency reforms.

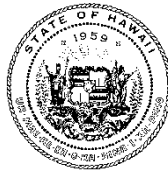
“Microtargeting typically refers to the act of displaying ads to a narrow audience based on certain characteristics, interests and even ZIP codes.” See <https://www.cnbc.com/2020/05/26/democratic-bills-crack-down-on-political-ad-microtargeting-online.html>; see also [https://www.americanbar.org/groups/crsj/publications/human\\_rights\\_magazine\\_home/voting-in-2020/political-advertising-on-social-media-platforms/](https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/voting-in-2020/political-advertising-on-social-media-platforms/).

HB 660’s microtargeting prohibition based on geographic location seems to unduly harm local county races. It would seem to require local county races to advertise in a larger geographic area than perhaps necessary, which may increase campaign costs.

Thank you for the opportunity to provide comments on HB 660. If you have further questions of me, please contact me at [sma@commoncause.org](mailto:sma@commoncause.org).

Very respectfully yours,

Sandy Ma  
Executive Director, Common Cause Hawaii



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

235 SOUTH BERETANIA STREET, ROOM 300  
HONOLULU, HAWAII 96813

February 1, 2021

TO: The Honorable Angus L.K. McKelvey, Chair  
House Committee on Government Reform

The Honorable Tina Wildberger, Vice Chair  
House Committee on Government Reform

Members of the House Committee on Government Reform

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

SUBJECT: **Testimony on H.B. No. 660, Related to Political Advertising.**

Wednesday, February 3, 2021  
8:30 a.m., Via Video Conference

Thank you for the opportunity to testify on this bill. The Campaign Spending Commission (“Commission”) offers the following comments on this bill.

This bill prohibits electronic advertising that targets a group of individuals on the basis of, (1) online behavioral data, (2) demographic characteristics shared by members of the group, or (3) geographic location at a level smaller than an electoral district. A complete ban on microtargeted political advertisements may have First Amendment implications such that the government must show a basis, at some level of judicial scrutiny, for the ban.<sup>1</sup> The Commission believes that it is necessary for the Legislature to include a purpose clause detailing why the ban is necessary.

Another concern is the Commission’s ability to effectively regulate microtargeted political advertisements. What would lead the Commission to suspect that an advertisement was impermissibly microtargeted towards a group of persons? For example, a candidate may be targeting an advertisement to a portion of the candidate’s electoral district because of costs and not because of online behavioral data or demographic characteristics of a group. The Commission believes that more information is needed before legislating in this area.

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<sup>1</sup> The Commission, of course, defers to the Attorney General on matters concerning the constitutionality of statutes.



February 3, 2021

The Honorable Angus L.K. McKelvey, Chair  
House Committee on Government Reform  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu HI 96813

**RE: HB 660 - Internet Association Opposes Prohibiting Micro Targeting of Political Advertising.**

Dear Chair McKelvey and Members of the Committee:

Internet Association (IA) appreciates the opportunity to to explain our opposition to HB 660 which would prohibit micro targeting of political advertising. IA represents more than 40 of the world's leading internet companies and advances public policy solutions that foster innovation, promote economic growth, and empower people through the free and open internet.

IA has concerns by banning micro targeted political advertising the unintended consequences will primarily impact local races and disadvantaged communities which typically do not access large fundraising resources. Targeting of political advertising has resulted in new voices being elected across the country, in races for school board, city council and even the state legislature.

“No advertisement that is broadcast, televised, distributed online or otherwise communicated by electronic means...” that uses any online behavior data, demographic characteristics or local smaller than an election district is very vague. All advertisements, whether it be for shampoo, cars or candidates running for office use this basic information for advertising purposes. A person watching Monday Night Football typically does not see the same advertisements if they watch The View the next day. The reason is because those advertisements are targeting the likely viewers.

In the political setting, targeting is a tool which, when used well, can reach audiences which otherwise would not hear from candidates. These communities tend to feel underrepresented and do not always turn out to vote. However, grassroots campaigning reaches new and occasional voters and encourages them to vote. Targeting has allowed candidates to reach out to voters effectively without having to raise considerable amounts of money. Candidates who have successfully used this tool against opponents who have substantially more resources for traditional political mailers, yard signs, radio and tv.

HB 660 would eliminate any opportunity for underfunded candidates to launch grassroots campaigns. Candidates who have effectively used targeting tend to be people of color or from underrepresented communities. Without this tool only candidates with the ability to raise significant funds will be the only viable candidates. While this prohibition may not impact high profile races such as for the statewide office, it will likely have a significant impact on local races for the school board, city or county councils and even the state legislature. The impact could have a chilling effect on people of color who may be considering a run for office.



IA and our member companies want to be partners to find solutions that work for candidates, regulators, the platforms and the public, and we have been working proactively on principles and policies that increase transparency. IA is interested in working with your committee and the sponsor on addressing these issues. However, we believe HB 660 will not result in more transparency but rather limiting who will be able to run for political office.

For these reasons IA urges the committee not to move HB 660 forward. If you have any questions please contact me at [rose@internetassociation.org](mailto:rose@internetassociation.org) or 206-326-0712.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rose Feliciano', with a long horizontal line extending to the right.

Rose Feliciano  
Director, Northwest Region, State Government Affairs.