

STAND. COM. REP. NO.

874

Honolulu, Hawaii

MAR 05 , 2021

RE: H.B. No. 144  
H.D. 2

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 144, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONEERING COMMUNICATIONS,"

begs leave to report as follows:

The purpose of this measure is to amend the requirements for a statement of information filed by each person who makes an expenditure for electioneering communications by:

- (1) Increasing the monetary threshold that triggers disclosure of electioneering communications;
- (2) Requiring that disclosures of electioneering communications occur on the date the electioneering communications are publicly distributed;
- (3) Classifying election advertisements sent by mail at any postal rate as electioneering communications; and
- (4) Repealing the requirement that a person be treated as having made an expenditure if the person has executed a contract to make the expenditure.



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

Your Committee finds that expenditures for electioneering communications may occur weeks or months before the electioneering communications are publicly distributed. This measure changes the date to trigger the need to file the statement of information to coincide with the distribution date, which will be a timelier disclosure.

Your Committee further finds that existing law requires disclosures of electioneering communication mailed by bulk rate but not by any other postal rate. This measure removes the distinction between electioneering communication by different postal rates and requires disclosure of electioneering communication by any postal rate.

Your Committee has amended this measure by:

- (1) Excluding candidates and candidate committees from electioneering communication disclosure requirements; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 144, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 144, H.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,

  
MARK M. NAKASHIMA, Chair



State of Hawaii  
House of Representatives  
The Thirty-first Legislature

HS-R874

**Record of Votes of the Committee on Judiciary & Hawaiian Affairs**

Bill/Resolution No.: <b>HB 144, HD 1</b>	Committee Referral: <b>GVR, JHA</b>	Date: <b>3-3-21</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.				✓
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris	✓			
11. TOKIOKA, James Kunane				✓
12. WARD, Gene				✓
<b>TOTAL (12)</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>3</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
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