

STAND. COM. REP. NO. 3890

Honolulu, Hawaii

APR - 8 2022

RE: H.B. No. 1888
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B.
No. 1888, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Increase the threshold amount that requires disclosure of electioneering communications;
- (2) Require that disclosures of electioneering communications occur on the date the electioneering communications are publicly distributed;
- (3) Specify the disclosure date for subsequent public distribution of electioneering communications;
- (4) Exempt communications in news stories or editorials published by electronic means from being considered electioneering communications;
- (5) Repeal the actual expenditures exception from the definition of "electioneering communication"; and



- (6) Apply these requirements to all elections beginning with the 2022 primary election.

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

Your Committee finds that Act 3, Special Session Laws of Hawaii 2021, received criticism for seeming to limit the expenditure reporting requirement by parties for electioneering communications. Electioneering communications reporting is required for noncandidate committees whose expenditures are not the result of direct contributions to any candidate and represents an unchecked resource that can be used to unduly influence the results of candidate and issue elections. Because of the unchecked and unknown sources of these funds, additional scrutiny for their expenditures is warranted. Amending the disclosure date of electioneering communications to occur on the date the electioneering communications are publicly distributed is timelier and provides more transparency.

Your Committee has amended this measure by clarifying that the disclosure date for mailers is the date the mailers are mailed.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1888, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1888, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* HB 1888, HD2	Committee Referral: JDC	Date: 04-06-22		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
ACASIO, Laura	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
LEE, Chris	/			
FEVELLA, Kurt				/
TOTAL	6	-	-	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes