

Honolulu, Hawaii

FEB 03 2022

RE: S.B. No. 665
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 S.B. No. 665 entitled:

"A BILL FOR AN ACT RELATING TO VIOLATIONS OF CAMPAIGN FINANCE LAW,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish that knowingly or intentionally providing false information concerning the name or address of a person paying for a campaign advertisement is a class C felony;
- (2) Repeal certain exemptions from criminal prosecution for campaign finance violations;
- (3) Repeal certain state of mind prerequisites with respect to the Campaign Spending Commission's referral of complaints for criminal prosecution;
- (4) Increase from four years to ten years the period from which a person convicted for a criminal violation of campaign finance law shall be disqualified from holding elective office; and



- (5) Establish that the exercise of enforcement authority by the Attorney General or Prosecuting Attorney may be the basis for prosecution of campaign finance law violations.

Your Committee received testimony in support of this measure from the Campaign Spending Commission, Common Cause Hawaii, and League of Women Voters of Hawaii. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that an advertisement with a false disclaimer was published in the 2020 elections. Election advertisements, with their abilities to influence the public's vote, need to disclose truthfully and honestly the person who is underwriting the advertisement for full transparency in the electoral process. This measure will make the false reporting of the name and address of the person paying for the advertisement a felony, to deter that conduct.

Your Committee has amended this measure by:

- (1) Specifying that for each advertisement that contains false information about the time, place, or means of voting, there will be a fine of \$25 or less, not to exceed an aggregate amount of \$5,000; and
- (2) Clarifying that the Campaign Spending Commission may refer a complaint to the Attorney General or County Prosecutor at any time it believes the respondent may have recklessly, knowingly, or intentionally committed a campaign finance law violation.

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 S.B. No. 665, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 665, 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

KARL RHOADS, Chair



