

**KRISTIN E. IZUMI-NITAO**  
EXECUTIVE DIRECTOR



PHONE: (808) 586-0285  
FAX: (808) 586-0288  
WWW.HAWAII.GOV/CAMPAIGN

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

235 SOUTH BERETANIA STREET, ROOM 300  
HONOLULU, HAWAII 96813

February 7, 2022

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 KEI

SUBJECT: **Testimony on H.B. No. 1879, Relating the Campaign Spending Commission**

Friday, February 9, 2022  
09:30 a.m., Via Videoconference

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

This measure amends Hawaii Revised Statutes (“HRS”) §11-391 by requiring the Commission to file a complaint with the local office of the Federal Bureau of Investigation or the Postmaster General as appropriate for grossly false or anonymous advertisements. The term “grossly false” is not defined and would not be enforceable as written. Even if the term was defined, this part of the bill would be a content-based regulation of political speech. In Ancheta v. Watada, 135 F.Supp.2d 1114 (D. Haw. 2001), the court struck down Hawaii’s Code of Fair Campaign Practices as an unconstitutional content-based regulation of political speech. The bill’s referral of a complaint with the federal agencies is inconsistent with HRS §11-411 which allows the Commission to refer a complaint to the Hawaii Attorney General or County Prosecutors. However, Commission staff will refer federal matters to federal agencies where appropriate, but not a formal Commission complaint.

**Hawaii**  
*Holding Power Accountable*

Statement Before The  
Wednesday, February 9, 2022  
9:30 AM  
Via Videoconference, Conference Room 309

in consideration of  
**HB 1879**

**RELATING TO ORDERS OF THE CAMPAIGN SPENDING COMMISSION.**

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

Common Cause Hawaii provides comments on HB 1879, which requires the Campaign Spending Commission to file a complaint with the local office of the Federal Bureau of Investigation or Postmaster General as appropriate for grossly false or anonymous advertisements.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening our representative democracy through improving our campaign finance system with laws that amplify the voices of everyday people by requiring strong disclosures and making sure everyone plays by the same commonsense rules.

Common Cause Hawaii understands that the State has an important governmental interest in keeping the voters informed of who is advertising to influence our elections. Common Cause Hawaii advocates for transparency in our elections to lessen the influence of wealthy special interests. Our main policy suggestions are a trace back mechanism that identifies the original sources of campaign spending and a requirement that any campaign ads run by a super PAC or other outside group include a disclaimer listing the group's top three donors. Donors should also have the option of not having their money spent on election ads against their wishes. These are proactive approaches to campaign finance reform versus a punitive, reactive approach after voters may have already been unduly influenced.

Thank you for the opportunity to comment on HB 1879. 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