



STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

January 31, 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

SUBJECT: **Testimony on H.B. No. 1888, Relating to Electioneering Communications**

Wednesday, February 2, 2022
9:30 a.m., Via Videoconference

Thank you for the opportunity to testify on this bill. The Campaign Spending Commission (“Commission”) supports this bill but prefers the bill in the Commission’s legislative package, H.B. No. 1425.

This purpose of the bill is to require the disclosure of electioneering communications to occur on the date of any subsequent expenditures for electioneering communications, which requirement was repealed by Act 3, Special Session of 2021. The Commission’s bill would also restore the threshold amount of spending to “more than \$2,000,” which had been in place since the recodification of the Campaign Finance Law in 2010, but was modified by the Legislature in Act 3. The Commission’s bill also changes the disclosure date to when the advertisement actually runs, not when the expenditure or contract for expenditure for the electioneering communication is made. This would make the disclosure timelier. The Commission’s bill also repeals one of the exceptions to the definition of electioneering communication at page 3, lines 11-12 (“That constitute actual expenditures by the expending organization”). Thus, noncandidate committees would not be able to argue that the exception permits the committees to avoid the disclosure of expenditures.

Statement Before The
HOUSE COMMITTEE ON GOVERNMENT REFORM
Wednesday, February 2, 2022
9:30 AM
Via Videoconference and Conference Room 309

in consideration of
HB 1888
RELATING ELECTIONEERING COMMUNICATIONS.

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

Common Cause Hawaii supports HB 1888, which (1) specifies the disclosure date for subsequent expenditures for electioneering communications, (2) requires that disclosures of electioneering communications occur on the date the electioneering communications are publicly distributed, and (3) applies to all elections beginning with the 2022 primary election.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy through improving our campaign finance system with laws that amplify the voices of everyday people.

Common Cause Hawaii appreciates HB 1888, at pg. 2, lines 11-12, amending that portion of the Electioneering Communications statute to require subsequent disclosure filings after the initial \$1,000 aggregate spending threshold is reached for candidate and noncandidate committees.

However, the definition of “person” in Hawaii Revised Statutes § 11-341(d) specifically does “not include a candidate or candidate committee.” The Committee should remove the definition of person from HRS § 11-341(d) to ensure that intent of HB 1888 as set forth in the preamble may be properly effectuated.

Further, HB 1888 conflates the definition of “disclosure date” at page 2, lines 7-12, to the date on which subsequent electioneering communication is “publicly distributed” versus the original definition of “has made expenditures” on page 2, line 8. Common Cause Hawaii is concerned with definitional change to “disclosure date”. This is because an electioneering communication may be contracted / purchased and then subsequently and serially distributed at a later time. If the disclosure date did not include dates on which a contract is executed, i.e., “has made expenditures”, a person could conceivably make their contracts for electioneering communications payable after the election and wait to disclose that spending, depriving the public of that information until it is too late. Additionally, changing to “publicly distributed” could make administration more difficult and possibly lead to less timely disclosure in the last few weeks or days leading up to an election. Everyone who had previously been reporting their contracts for electioneering communications well ahead of the election, when their contracts were executed, would now be reporting all of those in together in that short period right before the election.

Thank you for the opportunity to testify in support of HB 1888. If you have questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii