

Statement Before The  
**HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**  
Thursday, February 11, 2021  
2:00 PM  
Via Video Conference, Conference Room 325

in consideration of  
**HB 22, HD1**  
**RELATING TO THE CAMPAIGN FINANCE.**

Chair NAKASHIMA, Vice Chair MATAYOSHI, and Members of the Judiciary & Hawaiian Affairs Committee

Common Cause Hawaii provides comments on HB 22, HD1, which (1) increases the amount of fines that may be assessed against a noncandidate committee for violations of organizational report requirements and (2) the amount of fines that may be assessed for violations of advertisement disclaimer requirements.

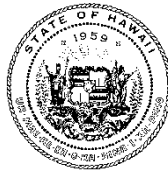
Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy through improving our campaign finance system with laws that amplify the voices of everyday Americans by requiring strong disclosures and making sure everyone plays by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

Common Cause Hawaii supports increasing fines for noncandidate committees to ensure compliance with our campaign spending laws. Common Cause Hawaii notes that Hawaii Revised Statutes (HRS) § 11-410 allows fines for noncandidate committees, which ostensibly could be even more than those proposed by HB 22, HD1. However, HB 22 removes reference to HRS § 11-410.

Thank you for the opportunity to provide comments on HB 22, HD1. 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



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

235 SOUTH BERETANIA STREET, ROOM 300  
HONOLULU, HAWAII 96813

February 10, 2021

TO: The Honorable Mark M. Nakashima, Chair  
House Committee on Judiciary & Hawaiian Affairs

The Honorable Scot Z. Matayoshi, Vice Chair  
House Committee on Judiciary & Hawaiian Affairs

Members of the House Committee on Judiciary & Hawaiian Affairs

FROM: Kristin Izumi-Nitao, Executive Director KEI  
Campaign Spending Commission

SUBJECT: **Testimony on H.B. No. 22, HD 1, Related to Campaign Finance**

Thursday, February 11, 2021  
2:00 p.m., Via Videoconference

Thank you for the opportunity to testify on this bill. The Campaign Spending Commission (“Commission”) provides the following comments on this bill.

Section 1 and Section 2 of this measure amends Hawaii Revised Statutes (“HRS”) §11-323(a) by specifying the fine to be assessed against noncandidate committees who violate the requirements for the organizational report to be \$1,000 and amends HRS §11-391(b) by increasing the fine for violations of the advertisement disclaimer requirement to \$150 but not to exceed 25% of the total expenditures for the advertisement. Section 3 of the measure amends HRS §11-393(d) to provide for the assessment of minimum \$1,000 fine, not to exceed 25% of the cost of the advertisement, if a Super PAC fails to properly identify the top contributors to the advertisement or to the Super PAC in a disclaimer.

The Commission notes that the title of the bill uses the word “Related” rather than the more commonly used “Relating.” Also, increasing the fine for advertisements missing the disclaimer to \$150 for each advertisement with a cap of 25% of the cost of the advertisement may result in the higher fine not being applied to social media advertisements which frequently cost less than \$75. However, a social media advertisement that lacks a disclaimer is as opaque as a full-page advertisement in a newspaper or a 30-second advertisement on television that lacks the disclaimer. Instead of attaching the fine cap to a percentage of the advertisement cost, the Committee should just retain the \$5,000 cap that already exists in HRS §11-391(b).

The Commission has not yet been confronted with a case where it is alleged that a Super PAC has violated HRS §11-393. If a case does arise, the Commission currently has the statutory authority in HRS §11-410(a) to assess a \$1,000 fine against the Super PAC. Thus, the Commission recommends that subsection (d) of HRS §11-393 be left as is for now.