

Hawaii
*Holding Power Accountable*Statement Before The
HOUSE COMMITTEE ON GOVERNMENT REFORM

Wednesday, February 3, 2021

8:30 AM

Via Video Conference, Conference Room 309

in consideration of
HB 656
RELATING TO ELECTIONS.

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

Common Cause Hawaii opposes HB 656, which (1) excludes from the definition of "advertisement" communications on clothing and other attire associated with a candidate's candidate committee and (2) removes clothing, other attire, yard signs, and sundry items and advertisements made by a candidate or candidate's candidate committee from electioneering communication reporting requirements.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy through accountability and transparency reforms. Central to accountability and transparency in our government is a strong campaign finance system with laws that amplify the voices of everyday Americans by requiring strong disclosures.

HB 656 excludes, at page 3, lines 11-15, from the definition of electioneering communication "a candidate's name on clothing or other attire, on yard signs, or on sundry items such as bumper stickers, stickers, or novelty items directly associated with that candidate's campaign committee." Many t-shirts, hats, signage, stickers, etc. are used to advertise a campaign, and this seems a major loophole in electioneering communication.

HB 656 also excludes, at page 3, lines 16-21, from the definition of electioneering communication "an advertisement broadcast, published, or distributed by any candidate or that candidate's candidate committee to promote the election of that candidate or oppose the election of an opponent of that candidate; provided that the advertisement is in compliance with [Hawaii Revised Statutes] section 11—391." Again, this seems another major loophole in electioneering communication.

While there may be multiple (and what seems at times duplicative) disclosure requirements under campaign spending law, more disclosure is better and necessary to keep the public informed. Transparency should be the main and paramount goal for the public interest. HB 656 does not seem for the public benefit. The current electioneering statute – HRS § 11-341 – allows the public to know the amount of each expenditure and to whom the expenditure was made, among other things. To exempt the information from disclosure would reduce transparency and accountability.

Thank you for the opportunity to testify in opposition to HB 656. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,
Sandy Ma
Executive Director, Common Cause Hawaii

HB-656

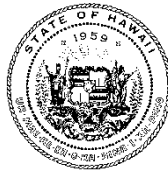
Submitted on: 1/31/2021 9:39:42 PM

Testimony for GVR on 2/3/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Feena Bonoan	Individual	Support	No

Comments:

Please pass this bill.



STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

February 1, 2021

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. 656, Related to Elections.**

Wednesday, February 3, 2021
8:30 a.m., Via Video Conference

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

Section 1 of the bill amends the definition of “advertisement” in Hawaii Revised Statutes (“HRS”) §11-302 by excluding “communications of a candidate’s name on clothing or other attire associated with that candidate’s campaign committee.” The Commission notes that “clothing” is within the meaning of “sundry item” in §3-160-2, Hawaii Administrative Rules (“HAR”), and is thus already excluded from the definition of “advertisement.” This amendment is not needed.

Section 2 of the bill excludes from the definition of “electioneering communication” in HRS §11-341(d):

- Clothing and other attire, yard signs and other sundry items; and
- Candidate advertisements.

Under current law, clothing and other sundry items are not advertisements, HRS §11-302 and §3-160-2, HAR, and therefore are not electioneering communications. Yard signs are also not electioneering communications because they are not “broadcast, from a cable, satellite, television, or radio broadcast station; published in any periodical or newspaper or by electronic means; or sent by mail at a bulk rate.” Thus, these exclusion from the definition of “electioneering communication” are not necessary. Further, in the 2020 elections, candidate

Testimony of the Campaign Spending Commission

H.B. No. 656, Relating to Elections

February 1, 2021

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committees filed 673 statements of information (for electioneering communications) in the primary election and 625 statements of information in the general election. That constitutes a total of 1,298 statements of information filed by candidate committees in the 2020 elections. If this Committee exempts candidates from the requirement to file statements of information, transparency in the 2022 elections will be dealt a huge blow.

The Commission strongly opposes this bill and asks this Committee to defer or hold this bill.