



STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

January 31, 2022

TO: The Honorable Karl Rhoads, Chair
Senate Committee on Judiciary

The Honorable Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

Members of the Senate Committee on Judiciary

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

SUBJECT: **Testimony on S.B. No. 2388, Relating to Electioneering Communications**

Tuesday, February 1, 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, S.B. No. 2042.

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. The Commission’s bill would 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, Special Session of 2021. 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 on page 2 at 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
SENATE COMMITTEE ON JUDICIARY

Tuesday, February 1, 2022

9:30 AM

Via Videoconference

in consideration of

SB 2388**RELATING TO ELECTIONEERING COMMUNICATIONS.**

Chair RHOADS, Vice Chair KEOHOKALOLE, and Members of the Senate Judiciary Committee

Common Cause Hawaii supports with one suggested amendment SB 2388, which requires disclosure of electioneering communications to occur on the date of any subsequent expenditures for electioneering communications.

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 SB 2388, at pg. 1, lines 7-8, amending that portion of the Electioneering Communications statute to require subsequent disclosure filings after the initial \$1,000 aggregate spending threshold is reached. However, SB 2388, at pg. 2, lines 17-18, still excludes candidate and noncandidate committees from having to file such electioneering communications statements of information. Therefore, the change contemplated by SB 2388 would not have the full intended effect.

Common Cause Hawaii suggests deleting the definition of person from Hawaii Revised Statutes § 11-341(d). We respectfully ask that this Committee adopt our suggested amendment to improve transparency and accountability in our political processes. Candidates and noncandidate committees must continue to be subject to the electioneering communications disclosure requirements for full public transparency and accountability.

Thank you for the opportunity to testify in support of SB 2388 with one suggested amendment. If you have questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii

TO: Members of the Committee on Judiciary

FROM: Natalie Iwasa
808-395-3233

HEARING: 9:30 a.m. Tuesday, February 1, 2022

SUBJECT: SB 2388 – Relating to Electioneering Communications – **AMENDMENT
REQUESTED**

Aloha Chair Rhoads and Committee Members,

Thank you for allowing me the opportunity to provide testimony on SB 2388, which would require certain additional disclosures for electioneering communications.

The bill states the definition of electioneering communications, including those sent by mail. The Hawaii Campaign Spending Commission further defines such communications as those that are sent via bulk mail. Communications sent via first class stamp or method other than bulk are not considered electioneering communications.

A candidate may have one postcard template that is used for door-to-door handouts, mailed via bulk mail and mailed using first-class stamps, yet they are not treated the same. It would be easier to understand requirements if all of these were considered electioneering communications.

Please amend the bill to revise the definition of electioneering communications to be consistent.