

HB-97-HD-1

Submitted on: 3/6/2023 12:46:23 PM

Testimony for JDC on 3/9/2023 10:00:00 AM

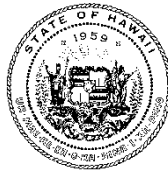
Submitted By	Organization	Testifier Position	Testify
Daniel Foley	Testifying for Commission to Improve Standards of Conduct	Support	In Person

Comments:

Dear Mr. Chairman and members of the Senate Judiciary Committee,

As Chair of the Commission to Improve Standards of Conduct, I support Hb 97, HD 1, to "assist the Campaign Spending Commission resolve certain matters before it by authorizing the Commission to serve preliminary determinations of probable cause via first-class mail, instead of certified mail" and "establish a presumption of receipt when the preliminary determination is mailed to the address contained in a candidate or committee organizational report." See Commission to Improve Standards of Conduct December 1, 2022 Final Report at page 21.

Mahalo, Judge Daniel Foley (ret.)



STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION


235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

March 7, 2023

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

The Honorable Mike Gabbard, 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 H.B. No. 97, HD1, Relating to Preliminary Determination of Probable Cause.**

Thursday, March 9, 2023
10:00 a.m., Conference Room 016 & Videoconference

Thank you for the opportunity to testify on this bill.¹ The Campaign Spending Commission (“Commission”) supports this bill with an amendment.

This bill amends Hawaii Revised Statutes (“HRS”) §11-405(a) to allow for the service of the commission’s preliminary determination of probable cause (“PDPC”) by first-class mail **and electronic mail** sent to the addresses provided by the committee in the committee’s organizational report filed with the Commission. The bill also creates a presumption that the committee received the PDPC within five business days of the PDPC being mailed.

Presently, the Commission is required to serve the PDPC by certified mail. The Commission, in addition to certified mail, has been sending the PDPC by first-class mail. In several cases, although the document sent by first-class mail was not sent back to the Commission as undeliverable, the document sent by certified mail was not claimed by the committee and was returned to the Commission. Since there was no service by certified mail, the Commission was unable to enforce its order and the case remains in limbo. Allowing the Commission to serve the PDPC by first-class mail will allow the Commission to proceed with enforcement of its orders.

¹ The companion bill is S. B. No. 202.

The Commission also asks this committee to **delete** the requirement for service of the PDPC via electronic mail (page 1, line 10). Under existing law, committees are not required to provide an electronic mail address in their organizational report. HRS §§11-322, 11-323. Thus, the Commission will not be able to routinely serve the PDPC via electronic mail.

The Commission requests that this committee pass this bill with the recommended amendment.

HB-97-HD-1

Submitted on: 3/7/2023 12:43:18 PM

Testimony for JDC on 3/9/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

I support this bill. I support deleting certified mail as many recipients refuse to accept delivery, for many reasons, me included.