

STAND. COM. REP. NO. 685

Honolulu, Hawaii

MAR 02 2023

RE: S.B. No. 1212
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1212 entitled:

"A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit the practice known as "redboxing", by prohibiting any campaign website for any candidate or candidate committee from containing information or manipulating content in any manner that is intended or designed to induce a noncandidate committee to use that content to make expenditures supporting the candidate or candidate committee in a manner suggested by the candidate or candidate committee; and
- (2) Require the Campaign Spending Commission to adopt rules.

Your Committee received testimony in support of this measure from three individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Campaign Spending Commission.

Your Committee finds that some candidates for elected office design their websites in a manner that is intended to solicit



noncandidate committees, especially super political action committees, to publish or produce political advertisements and other materials that benefit those candidates. This campaign tactic, commonly known as "redboxing", is intended to circumvent campaign finance laws that strictly prohibit candidates from coordinating with noncandidate committee political campaign efforts. This measure will help promote transparency and accountability in the State's campaign spending laws.

Your Committee has amended this measure by:

- (1) Changing the intent requirement to a reasonable person standard;
- (2) Inserting an effective date of March 22, 2075, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1212, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1212, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 1212	Committee Referral: JDC	Date: 2/17/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
TOTAL	5	—	—	—
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes