



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

235 SOUTH BERETANIA STREET, ROOM 300  
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March 13, 2024

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 E. Izumi-Nitao, Executive Director  
Campaign Spending Commission

SUBJECT: **Testimony on H.B. No. 2072, HD1, Relating to Campaign Finance.**

Friday, March 15, 2024  
10:00 a.m., Conference Room 016 & Videoconference

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

This bill adds a new section to Chapter 11, part XIII, subpart E of the Hawaii Revised Statutes (“HRS”), to prohibit the solicitation of contributions that refers to a disaster that would lead a reasonable person to believe that the contributions would be used to benefit persons directly affected by the disaster unless the solicitation contains a disclosure that, (1) The solicited contributions are subject to state campaign finance law, (2) Contributions may be used to influence a candidate’s election to office or the outcome of an issue on the ballot, and (3) Persons affected by the disaster may not necessarily benefit from the solicited contributions. The bill provides that a violation of this new section is a class C felony.

The Commission believes that deceptive solicitations of contributions connected to disasters should be discouraged and asks this Committee to pass this measure.

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**Testimony of the Office of the Public Defender, State of Hawai'i, to the  
Senate Committee on Judiciary**

**March 15, 2024**

**H.B. 2072, H.D. 1 Relating to Campaign Finance**

**Chair: Sen. Karl Rhoads, Vice Chair: Sen. Mike Gabbard and Members of the  
Committee:**

The Office of the Public Defender respectfully opposes H.B. 2072 H.D. 1. This bill creates a new Class C felony offense for campaign solicitations related to disasters, and specifically calls for a litany of explicit disclosures to prevent miscommunications in the solicitation of contributions. It would appear, that the legislature wishes to allow the solicitation of contributions regarding disasters, but would require disclosures to avoid the possibility of fraud.

However, as written, the language of the bill is unclear. The language of the bill could be interpreted to actually allow for the solicitation of disaster related contributions, that "would lead a reasonable person to believe" would be used for disaster assistance, not to be used for such assistance, if the listed disclosures were present on the solicitation. This confusion could lead to improper prosecutions or unnecessary litigation. Because of these concerns, the OPD believes that this bill is unnecessary, as theft by fraud is covered by statutes dealing with Theft in HRS section 708-830. Specifically, HRS sections 708-830(2) Property obtained by deception, and 708-830.5(1)(d) property or services during an emergency period proclaimed by the governor or mayor... within the area covered by the emergency or disaster, are sufficient to cover what is requested in HB 2072. However, if it is believed that prevention of this type of specific theft or fraud related to campaign contributions is necessary to protect the public, the OPD would suggest that HRS

708-830 be amended to reflect such language, instead of creating a new section in the HRS.

For these reasons we respectfully oppose H.B. 2072. H.D. 1

Thank you for the opportunity to comment on this bill.