



STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

February 21, 2024

TO: The Honorable David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs

The Honorable Gregg Takayama, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

Members of the House Committee on Judiciary & Hawaiian Affairs

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

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

Thursday, February 22, 2024
2:00 p.m., Conference Room 325 & Videoconference

Thank you for the opportunity to testify on this bill. The Campaign Spending Commission (“Commission”) supports the intent of 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 Commission believes that deceptive solicitations of contributions should be discouraged. To make it clear that solicited contributions are covered by the campaign finance law, the Commission recommends that “person” on page 1, line 5, be deleted and replaced by “candidate, candidate committee, or noncandidate committee.”

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**Testimony of the Office of the Public Defender, State of Hawai'i, to the
House Committee on Judiciary and Hawaiian Affairs**

February 22, 2024

H.B. 2072 Relating to Campaign Finance

**Chair: David A. Tarnas, Vice Chair: Gregg Takayama and Members of the
Committee:**

The Office of the Public Defender respectfully opposes H.B. 2072. This bill creates a new Class C felony offense for solicitations relating to disasters, and specifically calls for a litany of explicit disclosures to prevent miscommunications in the solicitation of contributions. The OPD believes that such violations are already covered by statutes dealing with Theft in HRS section 708-830, and that this new section is unnecessary and could be confusing. 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 misrepresentations to commit Theft is necessary to protect the public, the OPD would request that HRS 708-830 be amended to reflect such language, instead of creating a new section in the HRS dealing with this type of campaign finance deception.

For these reasons we respectfully oppose H.B. 2072

Thank you for the opportunity to comment on this bill.

