



STATE OF HAWAII  
CAMPAIGN SPENDING COMMISSION

235 SOUTH BERETANIA STREET, ROOM 300  
HONOLULU, HAWAII 96813

February 3, 2020

TO: The Honorable Chris Lee, Chair  
House Committee on Judiciary

The Honorable Joy A. San Buenaventura, Vice Chair  
House Committee on Judiciary

Members of the House Committee on Judiciary

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

SUBJECT: **Testimony on H.B. No. 1708, Relating to Electioneering Communications**

Tuesday, February 4, 2020  
2:05 p.m., Conference Room 325

Thank you for the opportunity to testify on this bill.<sup>1</sup> The Campaign Spending Commission (“Commission”) supports this bill.

This measure amends Hawaii Revised Statutes (“HRS”) §11-341 to change the definition of “disclosure date” from the first date a person has made expenditures during that year of more than \$2,000 to the first date the electioneering communication is publicly distributed, provided that more than \$2,000 has been spent. After the filing of a statement of information, the bill also amends that section to require further electioneering communications to be disclosed only after more than \$2,000 has been spent for electioneering communications since the most recent disclosure date.

The bill further amends the definition of “electioneering communication” by deleting “at a bulk rate” from advertisements sent by mail so that all advertisements sent by mail, be it bulk rate or first class, will be covered by the definition. Finally, the bill deletes items “that constitute expenditures by the expending organization” from the types of communications excluded from the definition of electioneering communication.

The changing of the disclosure date to when the advertisement runs, which triggers the need to file the statement of information, is timelier since contracts for these advertisements could occur weeks or months before the advertisements are publicly distributed. Also, after a

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<sup>1</sup> The companion bill is S.B. No. 2149.

committee files its first statement of information, requiring the spending of more than \$2,000 to again trigger the requirement of filing of another statement of information will reduce the number of disclosures that will be filed. This is especially true in cases where committees choose to buy numerous, inexpensive social media advertisements.

Finally, it makes no sense to consider advertisements mailed by bulk rate only, and not by any other postal rate, to be electioneering communications. Also, some committees have used the exclusion of items “that constitute expenditures by the expending organization” from the definition of electioneering communication, as a reason why those committees did not have to file statements of information. However, all committees are required to file statements of information for electioneering communications. HRS §§11-341(b)(2), 11-341(b)(3), & 11-341(b)(6). This exclusion is not needed since it cannot apply to committees already registered with the Commission and since the spending threshold for electioneering communications is more than \$2,000, any person making an expenditure for electioneering communication will have to register with the Commission.

Statement Before The  
**HOUSE COMMITTEE ON JUDICIARY**  
Tuesday, February 4, 2020  
2:05 PM  
State Capitol, Conference Room 325

in consideration of  
**HB 1708**  
**RELATING TO ELECTIONEERING COMMUNICATIONS.**

Chair LEE, Vice Chair SAN BUENAVENTURA, and Members of the House Judiciary Committee

Common Cause Hawaii supports HB 1708, with amendments, which (1) amends the definition of "disclosure date" to mean the date on which the electioneering communication is publicly distributed and (2) expands the definition of "electioneering communication" to apply to advertisements sent by any mail rate and communications regarding expenditures of the organization.

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 Americans by requiring strong disclosures and making sure everyone plays by the same commonsense rules.

HB 1708 provides that candidates and noncandidate committees will be required to file electioneering communication disclosures once the \$2,000 aggregate threshold is reached within a calendar year and every subsequent time the \$2,000 aggregate threshold is reached in the same calendar year.

Section 11-341, Hawaii Revised Statutes, currently provides that candidates and noncandidate committees will be required to file electioneering communication disclosures if the \$2,000 aggregate threshold is reached and then for any electioneering communication thereafter.

While we understand that filing a disclosure for a possible \$1 Facebook ad may be unduly burdensome for the Hawaii Campaign Spending Commission to process, the subsequent aggregate filing amount for electioneering communication disclosures, as proposed under HB 1708, should be lower than \$2,000 aggregate amount proposed. Common Cause Hawaii suggests \$500 subsequent aggregate filing amount in the same calendar year for transparency of our elections.

Thank you for the opportunity to testify in support of HB 1708, as amended. If you have further questions of me, please contact me at [sma@commoncause.org](mailto:sma@commoncause.org).

Very respectfully yours,

Sandy Ma  
Executive Director, Common Cause Hawaii

**HB-1708**

Submitted on: 2/3/2020 12:25:43 PM

Testimony for JUD on 2/4/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Best	Individual	Support	No

Comments:

I agree with HI Common Cause

**HB-1708**

Submitted on: 2/3/2020 2:09:01 PM

Testimony for JUD on 2/4/2020 2:05:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Goljuch Jr	Individual	Support	No

Comments:

**HB-1708**

Submitted on: 2/3/2020 2:52:47 PM

Testimony for JUD on 2/4/2020 2:05:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Randy Ching	Individual	Support	No

Comments:

Aloha Chair Lee, Vice Chair San Buenaventura and members of the committee,

I support HB1708. Please pass this bill.

Mahalo for the opportunity to testify.

Randy Ching

Honolulu (makikirandy@yahoo.com)

**HB-1708**

Submitted on: 2/3/2020 9:42:03 PM

Testimony for JUD on 2/4/2020 2:05:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Lee and Members of the House Judiciary Committee,

I am writing in support of HB1708 with amendments, which (1) amends the definition of "disclosure date" to mean the date on which the electioneering communication is publicly distributed and (2) expands the definition of "electioneering communication" to apply to advertisements sent by any mail rate and communications regarding expenditures of the organization.

HB 1708 provides that candidates and noncandidate committees will be required to file electioneering communication disclosures once the \$2,000 aggregate threshold is reached within a calendar year and every subsequent time the \$2,000 aggregate threshold is reached in the same calendar year.

Section 11-341, Hawaii Revised Statutes, currently provides that candidates and noncandidate committees will be required to file electioneering communication disclosures if the \$2,000 aggregate threshold is reached and then for any electioneering communication thereafter.

While we understand that filing a disclosure for a possible \$1 Facebook ad may be unduly burdensome for the Hawaii Campaign Spending Commission to process, the subsequent aggregate filing amount for electioneering communication disclosures, as proposed under HB 1708, should be lower than \$2,000 aggregate amount proposed. Perhaps the amount should be \$500.

Mahalo,

Caroline Kunitake